

ORDINANCE NO. 0102, AMENDMENT NO. 032

AN ORDINANCE AMENDING ORDINANCE NO. 0102 OF THE TOWN OF HORIZON CITY, TEXAS (AMENDMENT NO. 032); BY AMENDING VARIOUS SECTIONS TO REVISE THE CLASSIFICATIONS FOR THE RESIDENTIAL ZONING DISTRICTS; TO REVISE DEVELOPMENT STANDARDS FOR THE RESIDENTIAL, APARTMENT AND COMMERCIAL ZONING DISTRICTS BY REVISING LOT AND BUILDING SIZES, SET BACKS, HEIGHT STANDARDS, WALL STANDARDS, BUILDING REGULATIONS WITHIN YARDS, AND PERMITTED AND ACCESSORY USES; TO REVISE THE PERMITTED AND ACCESSORY USES IN THE INDUSTRIAL ZONES; TO REVISE REGULATIONS RELATING TO ALCOHOLIC BEVERAGE SALES; TO REVISE REGULATIONS FOR AMATEUR RADIO TOWERS AND RESIDENTIAL ACCESSORY STRUCTURES; TO REVISE LICENSING AND ENFORCEMENT PROCESSES AND FEES FOR HOME OCCUPATIONS; TO REVISE THE GARAGE STANDARDS FOR THE PLANNED UNIT DEVELOPMENT ZONING DISTRICTS; TO ADD AND AMEND DEFINITIONS; TO REVISE THE PROCESS FOR FILING THE ZONING MAP; AND TO CORRECT NUMBERING AND TYPOGRAPHICAL ERRORS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND HEARING; 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 \$2,000.00.

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; and

WHEREAS, the Planning and Zoning Commission considered the staff's proposals at its October 20, 2014 meeting, held a public hearing and made recommendations regarding the proposed changes to the ordinance; and

WHEREAS, the notice required by the Texas Local Government Code has been published in a newspaper of general circulation; and

WHEREAS, public hearings have been held 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 of the Town of Horizon City to adopt this Ordinance and technical code; and

WHEREAS, the City Council finds that the costs and fees provided for in this ordinance reflect the costs of issuing permits and providing the regulated services.

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

ARTICLE 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. 032 to Ordinance no. 0102, which regulates zoning within the territorial limits of the Town of Horizon City and related matters, to amend Sections 103, 202, 301, 302, 401, 403, 404, 405, 502, 503, 602, 603, 703, 802, 803, 804, 807, 812, 901 and 1311, and Appendix I, by amending the subsections set forth under each section within the listed chapters, as follows:

CHAPTER 1 Administration

Section 103 Permits and Approvals

103.1 General Procedures *(amending only subsection F 1)*

F. Building Permit Requirements and Fees for Minor Construction. This section establishes specific building permit requirements for certain types of Minor Construction and other uses as are set forth herein, and provides additional clarification and explanation regarding the building permit requirements that are established within other sections of this Ordinance and in the Technical Codes. Except as may be specifically noted, the fees for building permits shall be determined as per Appendix III. Work constituting Minor Construction does not require plans except as is specifically required by a provision of this Ordinance. Minor Construction does not include electrical and plumbing work.

1. Permitted Accessory Uses. Permits are required for the construction or erection of all structures allowed as permitted accessory uses except as provided in Section 807.1 A of this Ordinance. This section governs the application and

issuance for these permits except as provided in Section 807.1 R of this Ordinance.

- a. Storage shed construction. Permits are required for all storage sheds and other allowed accessory structures. The permit fee shall be determined as per Appendix III, provided however, there shall be a minimum fee of \$50.00 for the permit for a prefabricated storage shed. Construction of a storage shed other than a prefabricated storage shed requires plans to be submitted with the application.
- b. Yard, garage, porch, patio and estate sales. Permits are required for all such sales. No fee shall be charged for a permit obtained in advance of the sale. A fee of \$25.00 shall be charged for any permit requested after the sale has started. The applicant shall advise how many yard, garage, porch or patio sales have previously been conducted on the premises during the current calendar year at the time of application. The Building Official shall deny the issuance of a permit for a yard, garage, porch, patio or estate sale to any person who is delinquent in the payment of permit fees for a prior sale or if the applicant is not eligible to hold the sale under Section 807 G of this Ordinance. The Building Official may allow an applicant to combine a request to obtain a permit to hold a sale and to place signs advertising the event in the same application.
- c. Installation of approved parking surfaces in residential zones other than driveways.
 - (1) Off street parking areas in residential districts shall be of a hard surface, defined as any rigid durable surface, such as concrete, asphalt, pavers or masonry veneer on a foundation consisting of 2.5 inches of 2500 PSI concrete, or composite surface of a similar nature and structure as approved by the Building Official, which may include the incorporating of strip drains, drain fields, minimal spacers between areas with pavers, etc., designed for the purpose of having for permeable qualities (porous, allowing in this case for water to pass through) for stormwater harvesting in compliance with all applicable laws and ordinances.
 - (2) Except as provided to allow for permeable qualities, the hard surface shall be installed so as to completely cover the area to be used as an off street parking area and the entrance/exit leading to and from the driveway. Provided, however, no hard surface for parking may be installed closer than five feet from a side property line that abuts a side street. Plans for the installation of the surface shall be submitted with the permit application.
 - (3) The Building Official shall make the determination as to the approval of a similar composite surface allowed under this section upon receipt of an application for a building permit, and impose appropriate requirements for the method of the installation of the surface. The decisions of the Building Official under this subsection are not appealable.

CHAPTER 2 Definitions

202 General Definitions (*amending only the definitions listed—to add new definitions as set forth below, inserting the new definitions alphabetically, and deleting the definition for Accessory Living Quarters*)

Accessory Living Quarters. (*deleted*)

Accessory Structure. An incidental subordinate building or other structure customarily incidental to and located on the same lot occupied by the main use or building.

Adult Residential Care Facility. An adult foster care home, adult daycare home, community home, assisted living facility, and such other similar type of facility allowed by state law to be operated in a dwelling unit that is licensed as required or otherwise operated in accordance with City, County and State law.

Building Code. The adopted codes of technical regulations, as amended, and as are currently in effect.

Dwelling Unit. Any building or structure, or portion thereof, which contains living facilities, including provisions for sleeping, cooking and sanitary (bathroom) facilities for not more than one family, or a congregate residence for six or less persons except as may be required or necessary pursuant to federal or state law.

Lot Depth. The distance between the front and rear lot lines, measured as follows:

1. Where the lot lines are straight, from the midpoints thereof;
2. Where the lot line curves in or out, from the midpoint of the arc between the side property lines;
3. Where there is no rear lot line, the lot depth shall be the length of a straight line connecting the bisecting point of the front lot line and the intersection of the two sidelines.

Lot width, average. The lot area divided by the lot depth.

CHAPTER 3 Use Districts

301 Use Districts Established

301.1 Classification

The following zoning districts are established for zoning and rezoning of properties after the adoption of this Ordinance amending Ordinance No. 0102 (*February 24, 2015*):

R-1	Single-family dwelling
R-2	Single-family dwelling
R-3	Single-family dwelling
R-4	Duplex
R-PD	Residential – Planned Development
R-MH	Mobile Home Single-family dwelling
A-1	Apartments Multi-family dwellings
A-2	Townhouses Multi-family dwellings
C-1	Light Commercial
C-2	Heavy Commercial
M-1	Light Industrial
M-2	Heavy Industrial
S-1	Open Space /Parks

302 Zoning Map

302.1 General

The boundaries of the zoning districts are established on a map or maps, as originally filed on May 8, 2001, together with any notations and information shown on such map(s) and all amendments subsequently made, and is entitled the “Zoning Map, Town of Horizon City, Texas,” (“Zoning Map”), and is adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

One original of the Zoning Map as adopted by the Town Council on May 8, 2001 shall be filed in the office of the City Clerk. Any changes or amendments made to the zoning district boundaries shall be made to the map promptly after the amendment has been approved by the Town Council and be on file in the office of the City Clerk. In case of any question, this copy, together with amending ordinances, shall be controlling.

A copy of the Zoning Map, as amended, shall be displayed at Town Hall. The boundaries of the districts are as shown on the Zoning Map, as amended by any amendments made thereto after May 8, 2001.

CHAPTER 4
Residential Districts

Section 401 Districts Established

401.1 General

The following districts have been established as residential zones for the Town of Horizon City for zoning and rezoning of properties after the adoption of this Ordinance amending Ordinance No. 0102 (*February 24, 2015*):

R-1	R-3	R-PD
R-2	R-4	R-MH

Section 403 Permitted Uses

403.1 General

- A. A single-family detached dwelling
- B. A two-family duplex dwelling
- C. Church or other center of worship
- D. Public park or playground
- E. School

Section 404 Permitted Accessory Uses (see General Section)

404.1 General

- A. Fences, walls or plantings to screen or conceal all clotheslines, equipment, service yards, wood and storage piles.
- B. Concealed sanitary containers for all trash and waste.
- C. Home Occupations in compliance with Section 901.
- D. All other permitted accessory uses as listed in Chapter 8 - General Provisions.

Easement areas of each lot shall be maintained continuously by the lot owner except for those improvements for which a public authority or utility company is responsible. Within utility easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities.

Section 405 Bulk Regulations

The regulations set forth under this Section are established for the zoning and rezoning of properties after the adoption of this Ordinance amending Ordinance No. 0102 (*February 24, 2015*).

405.1 Lot Size Standards

	Min. Lot Areas (square feet)	Min. Average Lot Width (feet)	Min. Lot Depth (feet)
R-1	9,000	60	120
R-2	6,000	50	100
R-3	6,000	50	90
R-4	8,000 for duplexes	50	100
R-PD	6,000	50	100
R-MH	Unspecified	50	100
Other Permitted Uses	9,000	150	200

405.2 Setback Requirements

	Minimum Front Yard	Minimum Side Yard Abutting a Street	Minimum Side Yard	Minimum Rear Yard
R-1	20 feet	15 feet	10 feet	20 feet
R-2, R-3, R-4	20 feet	10 feet	5 feet	20 feet
R-PD	20 feet	10 feet	5 feet	20 feet
R-MH	20-30 feet	15 feet	5 feet	20 feet
Other Permitted Uses	20 feet without parking 45 feet with parking	15 feet	15 feet	20 feet

405.3 Dwelling Size Standards

Dwelling size standards, in minimum square feet, excluding garages, carports, porches and patios, are as follows:

		Square Feet (Minimum)	
R-1	Single-family dwelling	2,000	1 story
		1,500	more than 1 story*
R-2	Single-family dwelling	1,250	1 story
		800	more than 1 story*
R-3	Single-family dwelling	1,000	1 story
		800	more than 1 story*
R-4	Two- family duplex dwelling	1,800	1 story
		900	each unit
R-PD	Single family dwelling*	1,000	1 story
		900	2 story provided total is 1,400+
R-MH	Single-family dwelling	728	

* Minimum square footage of the main floor. Total square footage of 1+ stories shall be at least the square footage of 1 story.

405.4 Height Standards

No structure within a residential zone, other than a R-MH zone, shall have a height greater than 2 ½ stories or 35 feet, whichever is less. Structures in a R-MH zone are limited to a height of 20 feet.

405.5 Garage Standards

405.5.1 General

All homes shall have a minimum of two (2) spaces to provide for off street parking. Homes in districts R-1 and R-2 and all homes over 1,800 square feet shall have a garage to accommodate at least two (2) cars. All other homes, except those in a R-MH district, and each Duplex unit shall have a garage to accommodate at least one (1) car.

The elimination of the garage door or the conversion of part or all of a garage from a garage function to space for human occupation including but not limited to storage of items other than cars or additional living or sleeping space (“garage conversion”) will only be permitted for those homes that are within a zone other than R-1 or R-2 and which are less than 1,800 square feet in size, including the converted area. Such garage conversions must be constructed in compliance with the Technical

Codes of the Town of Horizon City and require a valid building permit. Garage conversions are not permitted for duplex units.

CHAPTER 5
Apartment District

Section 502 A-1 *(amending the sections set forth below and correcting the numbering from Amendment 15 to Ordinance No. 0102 for section 502.6, Site Development Plan Required to be 502.7, and section 502.6, Site Development Plan Approval Procedures to be 502.8)*

502.4 Uses Permitted by Specific Use Permit *(amending only subsection 502.4.1)*

502.4.1 General *(amending only the introductory paragraph)*

The following uses may be permitted by a specific use permit, if approved by the Town Council, with or without conditions, following report by the Planning and Zoning Commission, in accordance with the procedures, guides and standards of this Ordinance.

502.6 Bulk Standards *(amending only the subsections listed below)*

502.6.2 Lot Standards

	Minimum Area (square feet)	Minimum Average Lot Width (feet)	Minimum Lot Depth (feet)
Apartments	2,178 per unit with minimum lot size of 20,000	120	120
Other Permitted Uses	9,000	150	200

502.6.3 Setback Requirements

(Minimum in feet)

	Front Yard	Side Yard	Side Yard Abutting A Side Street	Back Yard
All Permitted Uses	20	10	15	25

502.6.4 Reserved

502.6.5 Additional Requirements

502.6.5.1. Central washroom/dryer facilities, unless all individual residential units have washer and dryer connections.

502.6.5.2. Parking facilities – no less than two parking spaces per apartment unit. All other permitted uses shall comply with the parking requirements in Chapter 8 - General Provisions.

502.6.5.3. Separate storage unit per apartment.

502.7 Site Development Plan Required

Any developer proposing a multi-family development shall cause to be prepared a site development plan, at a scale of not less than one inch represent 50-feet, with the following elements:

502.7.1 Proposed building layout, traffic circulation, parking, trash receptacle placement, common recreation elements, and a landscaping plan.

502.7.2 Proposed building elevations noting the number of stories and building heights.

502.7.3 Lighting concept plan with particular attention to lighting at the periphery of the multi-family parcel if abutting property zoned for single-family residential use.

Section 503 A-2

503.4 Bulk Regulations *(amending only the subsections listed below)*

503.4.1 Height Standards

All Permitted Uses	Maximum 28 feet	Not to exceed 2 stories
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503.4.2 Lot Standards

	Minimum Area (Sq. Ft.)	Minimum Average Lot Width (Feet)	Minimum Lot Depth (Feet)
Detached and Attached Single Family Dwellings	5,445 per unit	120	120
Other Permitted Uses	9,000	150	200

503.4.3 Setback Requirements

(Minimum in feet)		Front Yard	Side Yard	Side Yard Abutting A Side Street	Back Yard
	All Permitted Uses or as otherwise permitted in Chapter 8 – General Provisions	20	10	15	25

503.6 Parking Requirements

At a minimum, two spaces per dwelling unit shall be provided. All other permitted uses shall comply with the parking requirements in Chapter 8 - General Provisions.

**CHAPTER 6
General Commercial Districts**

Section 602 General Regulations

602.2 Bulk Standards

602.2.1 Lot Standards

Lot sizes may vary depending on whether uses are individual ‘stand-alone’ developments, or are integrated with adjoining uses by means of a shared driveway. In the event that two or more uses share a driveway, such shared use shall be secured by covenant or other similar legal instrument.

	Min. Lot Area (Sq. Ft.)	Min. Avg. Lot Width (Feet)	Min. Lot Lot Depth (Feet)
1. All Uses	20,000	150	120
2. Two or More Uses (each use)	15,000	100	120

602.2.2 Setback Requirements

	Setback Minimum in Feet		
	Front with Parking	Without Parking	Side
1. Setback for all Construction or as otherwise permitted in Chapter 8 - General Provisions	45	30	15
	Side Abutting Street with Side Parking	Without Side Parking	Rear
	45	30	15

602.2.3 Height Standards

- A.** For the convenience shopping center or neighborhood shopping center, no building shall exceed a height of two (2) stories or twenty-five (25) feet.
- B.** For a community shopping center or general commercial area, no building shall exceed a height of forty-five (45) feet.
- C.** The maximum height of a building shall not exceed a distance equal to the distance between centerline of abutting street and face of building and abutting that street.
- D.** All buildings more than thirty-five feet in height shall provide an additional setback of one foot from all adjacent and common property lines for each one foot of height in excess of thirty-five feet.
- E.** For a regional shopping center, no building shall exceed eight (8) stories and no building shall exceed one-hundred (100) feet in height; provided however, that any building in excess of forty-five (45) feet in height shall be located at least three hundred (300) feet from any residential or apartment district in which the height limit is less than one hundred (100) feet.
- F.** When a community or regional shopping center is a part of the planned development of one hundred fifty (150) acres or more or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the Town Planning and Zoning Commission may recommend, and the Town Council may approve, height limits for community and regional shopping centers in excess of those specified above. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30, i.e. 30% of community and neighborhood shopping center or general commercial areas as a condition of site plan approval.

602.6 General Procedures *(amending only subsection D to delete the subsection)*

D. Reserved.

602.8 Alcoholic Beverages

A. Requirements. The sale, storage, or handling of alcoholic beverages for the purpose of sale is permitted only where the use is authorized by and complies with all applicable provisions of this Ordinance and the Texas Alcoholic Beverage Code.

1. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted only where licensed in accordance with the Texas Alcoholic Beverage Code.

2. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted only in approved locations within the interior of buildings or structures that have a valid certificate of occupancy allowing such use.

3. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted in specific uses in the following zoning districts, subject to the requirements of this chapter:

a. C-1 and C-2 commercial districts;

b. M-1 and M-2 districts with permitted C-1 and C-2 Business by a Specific Use Permit (SUP).

4. The sale, storage or handling of alcoholic beverages for the purpose of sale is permitted as an accessory use to specific permitted uses in the following zoning districts, subject to the requirements of this Chapter and Chapter 13:

a. PUD, planned unit development district.

B. Restrictions.

1. The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a church, public or private school, or public hospital unless expressly granted an exception pursuant to the requirements of this section.

2. The sale, storage or handling of alcoholic beverages for the purpose of sale is not permitted in any zoning district where the place of business is located within three hundred feet of a day-care center or a child-care facility as defined in the Texas Human Resources Code § 42.002 and the permit or license holder does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission, unless expressly varied pursuant to the requirements of this section, except that this provision shall not apply:

a. If the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or

b. If the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.

3. The distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be measured along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

4. The distance between the place of business where alcoholic beverages are sold and a school, day-care center or child-care facility shall be measured in direct line from the property line of the school, day-care center or child-care facility to the property line of the place of business, and in a direct line across intersections.

5. The prohibition of the sale of alcoholic beverages within three hundred feet of a church, school or public hospital shall not apply to the sale of alcoholic beverages by any business that held a valid license for the sale of alcoholic beverages and was selling alcoholic beverages in compliance with the requirements of the Ordinances of the Town of Horizon City on the date of the adoption of this Ordinance (amendment no. 32, *February 24, 2015*), and has remained established and engaged in the sale of alcoholic beverages within three hundred feet of any church, school or public hospital; nor shall the provisions of this section prevent any business legally engaged in the sale of alcoholic beverages on the date of the adoption of this Ordinance (amendment no. 32, *February 24, 2015*), and continuing to be so engaged within three hundred feet of any church, school or public hospital from securing a renewal of their license, nor from a new license being issued for such location to any other applicant.

6. The prohibition of the sale of alcoholic beverages within three hundred feet of a commercial day care shall not apply to the sale of alcoholic beverages by any business that held a valid license for the sale of alcoholic beverages and was selling alcoholic beverages in compliance with the requirements of the Ordinances of the Town of Horizon City on the date of the adoption of this Ordinance (amendment no. 32, *February 24, 2015*), and has remained established and engaged in the sale of alcoholic beverages within three hundred feet of any commercial day care; nor shall the provisions of this section prevent any business legally engaged in the sale of alcoholic beverages on the date of the adoption of this Ordinance (amendment no. 32, *February 24, 2015*), and continuing to be so engaged within three hundred feet of any commercial day care from securing a renewal of their license, nor from a new license being issued for such location to any other applicant.

7. The city council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial

day care or public hospital after notice and public hearing if the council determines that the enforcement of the prohibition in a particular instance:

- a. Is not in the best interest of the public;
- b. Constitutes waste or the inefficient use of land or other resources;
- c. Creates an undue hardship on an applicant;
- d. Does not serve its intended purpose;
- e. Is not effective or necessary; or
- f. For any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Section 603 C-1

603.2 Permitted Uses

603.2.1 General *(amending only subsections E, F and BB)*

A building or land shall be used only in accordance with an approved site plan for any use which is compatible with the general nature and patterns of permitted residential uses as outlined in this ordinance and subject to the requirements and provisions of this document as well as other ordinances of the Town.

The list below is not all inclusive but serves as an explanatory list for similar types of permitted businesses:

E. Church;

F. Restaurants (eat in or fast food, deriving less than 75% of gross revenue from on premise sale of alcoholic beverages);

BB. The following are permitted accessory uses. Building permits shall be obtained for construction in accordance with Section 103 of this Ordinance.

1. Enclosed storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use.
2. Keeping of pets for personal use or enjoyment, and not as a business.
3. Swimming pool (protected by a minimum 6' fence).

4. Federally licensed amateur and CB radio stations complying with FCC regulations. Installations of radio towers and mast shall require a building permit.
5. Residential-type television or receiving antenna, roof mounted, and not exceeding twenty (20) feet in height above the highest point on the roof.
6. Covered and uncovered accessory off-street parking and loading spaces.
7. Satellite receiving dish or other satellite receiving antenna conforming to existing ordinances.
8. Gasoline, diesel and/or other fueling pumps, pump islands and related canopies.
9. Automatic Teller Machine (ATM).
10. Snow cone, shaved ice stand or trailer
11. Vending Machines
12. Reverse Vending Machines
13. Refuse container areas
14. Play structures
15. Shade structures, to include but not be limited to, detached covered patios, canopies and pergolas.

603.3.1 General *(amending only subsections G and M)*

A specific use permit refers to uses that a zoning ordinance permits, but are screened and specifically approved for situation suitability (see Chapter 12). The following uses may be permitted by specific use permit (SUP) if approved by the Town Council, with or without condition, following a report by the Planning and Zoning Commission in accordance with the procedures, guides and standards of the applicable ordinance.

G. Retail store for the sale of alcoholic beverages.

M. Reserved.

603.4 Prohibited Uses

All uses other than permitted uses and permitted accessory uses are prohibited unless presented to and approved by the Town Council as a Specific Use Permit (SUP).

Section 604 C-2

604.2 Permitted Uses *(amending only subsections A and G)*

This is not an all-inclusive list but only used as an example of the types of permitted businesses allowed:

- A. All those listed for C-1, including those uses permitted by a Specific Use Permit (SUP);
- G. Retail store for the sale of alcoholic beverages;

604.4 Accessory Uses

The following are permitted accessory uses. Building permits shall be obtained for construction in accordance with Section 103 of this Ordinance.

- A. Roof-mounted cellular telecommunications structures with appurtenant antennas and equipment storage facilities in accordance with the requirements in Section 603.2.1 Z.
- B. All uses allowed under Section 603.2.1 BB.

604.5 Prohibited Uses

All uses other than permitted uses and permitted accessory uses are prohibited unless approved by way or a Specific Use permit by the Town Council (SUP).

**CHAPTER 7
Industrial Districts**

Section 703 M-1

703.2 Permitted Uses

A building or land shall be used only in accordance with an approved site plan, (see Procedure for Industrial Site Development contained herein), for any use which is compatible with the general nature and patterns of permitted uses as outlined in this ordinance and subject to the requirements and provisions of this document as well as other ordinances of the Town.

The list below is not all inclusive but serves as an explanatory list for similar types of permitted businesses:

- A. Packaging;

- B. Wholesale Sales;
- C. Labs;
- D. Research and Development (R&D);
- E. Light Manufacturing (less than 25 employees);
- F. Small Storage Warehouse (less than 5000 SF Net Leased Area);
- G. Assembly Plants;
- H. C-1 and C-2 Business by Specific Use Permit (SUP) only;
- I. Communication Towers;
- J. Ground-mounted Cellular Telecommunications Support Structures with Appurtenant Antennas and equipment storage facilities provided the following restrictions are met:
 - 1. The antenna support base shall meet the yard standards of the district, except that where the antenna support structure abuts a residential district, a setback of one foot for each foot of height, measured from the antenna support structure base to the adjacent residentially zoned property line.
 - 2. The maximum height of the cellular antenna support structure and appurtenant antennas shall be determined by FAA requirements.
 - 3. See Appendix I for additional requirements.
- K. Ground-mounted radio or television broadcasting antenna support structures, with appurtenant antennae and equipment storage facilities complying with the following standards:
 - 1. The antenna support base shall be set back from any residential district or residential use one foot for each foot of height, measured from the antenna support base to the property line. The maximum height limits shall be set by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) license requirements.
 - 2. See Appendix II for additional requirements.
- L. Roof-mounted cellular telecommunications antenna support structures with appurtenant antenna and equipment storage facilities with the following restrictions:
 - 1. The cellular telecommunications antenna support structure and appurtenant antennas shall not exceed thirty (30) feet in height above the existing roofline.
 - 2. The cellular telecommunications antenna support structure and appurtenant antenna shall not exceed seventy-five (75) feet in height. If the applicant cannot comply with the setback and height limits, a Specific Use Permit (SUP) application must be submitted and approved by City Council, however in no instance shall the height exceed one hundred (100) feet.
 - 3. See Appendix I for additional requirements.

- M. Facility-mounted cellular telecommunications antennas and equipment storage facilities subject to the following restrictions:
 - 1. Antenna may only be mounted on functioning facility-structures whose primary purpose, and will continue to be, a use other than as an antenna support structure.
 - 2. See Appendix I for additional requirements.

703.3 Uses by Specific Use Permit

- A. Ground-mounted telecommunication structures as listed above not complying with the setback or height restrictions listed in subsection 703.2 I.
- B. Roof-mounted cellular telecommunication structures not complying with the requirements of subsection 703.2 L.
- C. Facility-mounted telecommunication support structures not complying with the requirements of subsection 703.2 M.

Section 704 M-2

704.1 Land Use

The premises shall be used for all other types of manufacturing not included in the definition of light manufacturing. No use is allowed which is objectionable by reason of noise, odor, vibration, smoke or other hazardous nature of operation.

704.2 Permitted Uses

A building or land shall be used only in accordance with an approved site plan (see Procedure for Industrial Site Development contained herein) for any use that is compatible with the general nature and patterns of permitted uses as outlined in this ordinance and subject to the requirements and provisions of this document as well as other ordinances of the Town of Horizon City.

The list below is not all inclusive but serves as an explanatory list for similar types of permitted businesses.

- A. Stadiums and Arenas;
- B. Breweries;
- C. Liquid Fertilizer Manufacturing;
- D. Carpet Manufacturing;
- E. Monument Works;
- F. Regional Recycling Centers;
- G. Auto Dismantling Yard;
- H. Alcohol Manufacturing;
- I. Cotton Gin;

- J. Paper Manufacturing;
- K. Quarries;
- L. Salt Works;
- M. Petroleum Refining;
- N. C-1-and C-2 uses by Specific Use Permit (SUP) only;
- O. Cellular telecommunications antenna support structures, with appurtenant antennas and equipment storage facilities as allowed in M-1, subject to the restrictions of M-1 and to the requirements of Appendix I.
- P. Ground-mounted radio and television broadcasting antenna support structures with appurtenant antennas and equipment facilities as allowed in M-1, subject to the restrictions of M-1 and the requirements of Appendix II.
- Q. M-1 uses.

Section 705 Permitted Accessory Uses in M-1 and M-2 Zones

The following are permitted accessory uses in M-1 and M-2 Zones. Building permits shall be obtained for construction in accordance with Section 103 of this Ordinance.

- A. Enclosed storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use.
- B. Keeping of pets for personal use or enjoyment, and not as a business.
- C. Federally licensed amateur and CB radio stations complying with FCC regulations. Installations of radio towers and mast shall require a building permit.
- D. Residential-type television or receiving antenna, roof mounted, and not exceeding twenty (20) feet in height above the highest point on the roof.
- E. Covered and uncovered accessory off-street parking and loading spaces.
- F. Satellite receiving dish or other satellite receiving antenna conforming to existing ordinances.
- G. Gasoline, diesel and/or other fueling pumps, pump islands and related canopies.
- H. Automatic Teller Machine (ATM).
- I. Snow cone, shaved ice stand or trailer.
- J. Vending Machines.
- K. Reverse Vending Machines.
- L. Refuse container areas.
- M. Shade structures, to include, but not limited to, detached covered patios, canopies, and pergolas.

CHAPTER 8
General Provisions

Section 802 Wall Standards

802.2 Regulations *(amending only subsections 802.2.1 and 802.2.7)*

802.2.1 *(amending only subsections A and C)*

A. All residential dwellings shall have rear and side walls on the property lines between the rear wall and the rear portion of the dwelling made of rock and mortar only, with a minimum height of four feet (4') and a maximum height of six feet (6') in height from finished grade. An extension of two feet (2') to a maximum height of eight feet (8') will be allowed with written consent of all abutting property owners. The extension shall be constructed of rock and mortar, wood, chain link fencing, wrought iron or commercially available pre-fabricated fencing. Provided however, if the dwelling has a fence on the side property line under section 802.2.1 constructed of a material other than rock and mortar that was installed by or on behalf of any owner of the property, the same material used in the side property line fence, or a material of the same or similar color and appearance, shall be used for the extension.

C. All residential dwellings may have fences on the side property lines located between the front and rear portion of the dwelling. The maximum height allowed for such fences is the height of the abutting rear yard wall or six feet (6') in height from finished grade, whichever is less, provided however, if the property has an extension to an abutting rear yard wall, the height for the fence abutting such rear wall may be the same, not to exceed eight feet (8'). Provided further however, such fences may not be more than thirty-six inches (36") high within twenty feet of a street intersection or where visibility of vehicle or pedestrian traffic might be impeded if they are constructed of materials other than chain link fencing or wrought iron. Such fences may be constructed of rock and mortar, wood, chain link fencing, wrought iron or commercially-available pre-fabricated fencing. Provided however, if the property has an extension to a rear yard rock and mortar wall that was installed by or on behalf of any owner of the property, such fences shall be constructed of the same material used in the extension, or a material of the same or similar color and appearance, or a combination of rock and mortar and the material used in the extension, or a material of the same or similar color and appearance.

802.2.7 Fences and walls shall be maintained in good repair and shall be kept vertical, uniform and structurally sound. In addition to the other authority

granted for the enforcement of this Ordinance, any rock and mortar wall or fence deemed by the Building Official to be in enough disrepair to cause a safety hazard shall be required to be repaired or replaced at the expense of the property owner or the adjoining property owners if the wall is placed on the common property line.

Section 803 Architectural Standards

803.1 General

In order to provide for architectural harmony and the appearance of a well-planned subdivision, action should be taken to provide a mix of floor plans and elevations so as to avoid the appearance of repetitious development or row-housing. No two homes of the same plan and exterior shall be built on the same side of the street within three lots of each other. All single family dwellings shall have a covered patio within the front or rear yard setback requirements.

Section 804 Parking

804.1 Off-street Parking and Loading Standards *(amending only the introductory paragraph)*

The following minimum number of off-street parking spaces is required in the commercially-zoned districts or any other districts in which the listed uses are permitted:

Section 807 Permitted Accessory Uses

807.1 General *(amending only subsections D, H, J, L and P)*

Note: Accessory uses listed below apply to all districts except Commercial Districts and Industrial District and except as noted in each listed use.

D. Federally licensed amateur and CB radio stations complying with FCC regulations. Installation of a radio tower or mast shall require a building permit. Evidence of a valid FCC amateur license for operation of an amateur facility shall be presented to the building official at the time of application for a building permit. No structure and/or appurtenances shall be constructed closer than five (5) feet from side and/or back wall. All tower and antenna construction shall be restricted to the area behind the main building. (See Appendix II of Ordinance 0102, Section B 2 and C 6, for additional regulation.) The combined height of the supporting structure, antennas and/or antenna array may not exceed a height of fifty-five (55) feet in residential zoning districts or sixty-five (65) feet in all other zoning districts. Provided however, additional height for the supporting structure, antennas or antenna array in residential zoning districts, not to exceed sixty-five (65) feet, may be permitted by a

Specific Use Permit in the manner provided in Section 406.1, upon meeting the following conditions:

1. Showing that antenna effectiveness is not adequate at the allowable height;
2. The structure is located on a lot that measures at least 5,500 square feet in size;
3. The tower and antenna are at least ten (10) feet away from above ground electric utility lines; and
4. If recommended by the building official, the antenna must have breakpoint technology. The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses of at least five percent (5%) greater than any other point along the monopole, including the anchor bolts and base plate, so that, in the event of a weather-induced failure of the monopole, the failure will occur at the breakpoint rather than at the base plate or any other point on the monopole.

H. Residential Accessory Structures incidental to residential use meeting the definition set forth in this Ordinance, to include, but not be limited to, the following: garden house/greenhouse as a hobby, home workshop or tool shed, pool house or other accessory structure incidental to a pool, detached private garage, detached porch, storage building, or pergola, canopy or gazebo, are permitted provided they additionally meet the following requirements. In no instance shall a residential accessory structure be used as a dwelling unit or be used for sleeping or other overnight occupancy.

1. All accessory structures allowed by this subsection shall not exceed seventeen (17) feet in height from the finished floor elevation of the residential building, and must be located in a rear yard, or in a side yard if minimum required side setbacks are maintained. Condensing units for central air conditioning systems shall be no closer than three (3) feet to a lot line or wall/fence, if one exists.
2. The structure shall be a minimum of five (5) feet from the main building, and shall comply with the side and side street yard requirements. No rear yard setbacks shall be required when the structure is located in the rear yard provided that the structure has been constructed in compliance with the Technical Codes of the Town of Horizon City.
 - a. Any residential accessory structure closer than five feet to a main building shall be considered as part of the main building, shall be located within the buildable area required for a main building, and shall be subject to all applicable restrictions and building requirements for the main building.
3. The gross floor area of all combined detached residential accessory structures on a lot shall not exceed the more restrictive of the following, except

that one building up to four hundred and fifty (450) square feet in size shall be permitted:

- a. Fifty percent of the gross floor area of the main building; or
- b. Forty percent of the area of the rear yard.
4. No water run-off shall be allowed from roof that empties unto the rock wall or adjacent property.
5. No windows shall be allowed in an accessory structure that faces neighboring properties on those portions of the structure that are within five feet from a property line. Accessory buildings that have windows facing public easements or public right of way will be allowed.
6. A residential detached garage or other accessory structure may be connected to the main building by a breezeway or connected by a fence or wall up to six feet in height, provided that the breezeway shall not exceed an overall width of five feet and shall be a minimum of seventy-five percent open to the outside on both sides.
7. Residential accessory buildings may be built concurrently with or after the construction of the main building and shall be used only as permitted by this Ordinance.
8. Where a residential garage entrance, except those within a PUD zone, is from an alley, the structure must be located at least five feet from the property line.
9. Permits are required for residential accessory structures in accordance with Section 103.1.F of this Ordinance.

J. Reserved.

L. Reserved.

P. Reserved

Section 812 Yards

812.2 Front Yards

The front yard regulations may be modified as follows:

- A. Where a frontage is divided among districts with different front setback, the deepest setback requirement shall apply to the entire frontage.
- B. Gasoline, diesel and/or other fueling pumps and pump islands may occupy required yards; provided, however, that they are not less than twelve-feet (12')

from all lot lines. A freestanding canopy with support columns centered on the pump or pump island may be located within the required front yard; provided, that it shall not extend closer than twelve feet (12') from the front lot line.

C. Freestanding Automated Teller Machines (ATM's), vending machines, reverse vending machines, shade structures and refuse container areas may be located within the front setback of any commercial or industrial lot, provided that the structure is not located closer than twelve feet (12') from the front property line.

D. On a dwelling or apartment site, an unenclosed porch or entranceway patio with a wall up to six feet high, each not more than one hundred fifty (150) square feet in roof area, may extend not more than ten feet into a required front yard. Chimney backs, bay windows, eaves and cornices may extend not more than thirty (30) inches into the required front yard except that cornices and eaves of the main building may extend not more than four (4) feet into the front yard.

812.3 Side and rear yards

Side and rear yards regulations may be modified as follows:

A. Sills, eaves, belt courses, wing-walls at heights above six feet, window air conditioning units, chimney backs, bay windows, cornices and ornamental features may project a distance not to exceed twenty-four inches into a required side yard, and thirty inches into a required rear yard.

B. Open fire escapes, fireproof outside stairways and balconies opening from fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and ventilation, may be approved by the Director of Public Works.

C. Open, unenclosed porches when less than one hundred eighty feet in roof area may extend twelve feet into a required rear yard.

D. Terraces which do not extend above the level of ground (first) with a one hundred fifty square foot maximum floor area and a six-foot-high screen wall may project five feet into a required yard, provided these projections be distant at least two feet from the adjacent lot line.

E. Freestanding Automated Teller Machines (ATM's), vending machines, reverse vending machines, shade structures and refuse container areas may be located

within the side and/or rear setbacks of any commercial or industrial lot, provided that the structure is not located closer than twelve feet (12') from the side and/or rear property line.

CHAPTER 9 Special Regulations

Section 901 Home Occupations

901.1 Home Occupations Uses

A. Where permitted as an accessory use in a district, a home occupation shall meet the following requirements:

1. Home occupations shall be secondary and incidental to the use of the premises as a dwelling, and may only be conducted by the owner or tenant of the residence, or a family member of the owner or tenant who resides in the home and with the consent of the owner or tenant;
2. A home occupation shall not cause a nuisance or produce noise, dust, vibration, odor smoke, fumes, glare, electrical interference or waste run-off, detectable at the lot line, or create a fire hazard;
3. Shall not operate between the hours of 10:00 p.m. and 6:00 a.m. except for the provision of adult residential care facilities or when providing care to or attending to the needs of any person or animal cared for as part of the home occupation;
4. Outdoor activities shall not be conducted unless the activities are screened from the neighboring property by a solid fence of at least six feet in height;
5. Home occupation uses shall minimize negative impacts on adjoining properties and the residential character of the lot and dwelling shall be maintained;
6. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential technical code is prohibited, except for modifications to comply with accessibility requirements;
7. No more than normal household vehicular traffic shall be generated by the home occupation;
8. No home occupation shall generate delivery or pick-up by commercial vehicles more frequently than normal household traffic;
9. No more than one person who is not a member of the resident household may be employed on the site at any one time per home occupation; provided, however, the number of employees permitted for child and

adult care facilities may exceed one when allowed or required by license or state law;

10. No more than twenty-five percent of the gross floor area of the dwelling shall be used in accommodation of the home occupation, except for adult residential care facilities, licensed boarding homes and child care facilities;
11. No equipment, materials, or merchandise associated with the home occupation shall be displayed or stored where visible from any street or public right-of-way;
12. There shall be no display of a sign indicating from the exterior that the building or part thereof is being used for any purpose other than as a dwelling; and
13. Only products made on a custom basis on the premises or items incidental to the permitted home occupation may be sold on the premises.

B. Home occupations, when operating pursuant to a valid license pursuant to this Chapter and in compliance with the requirements in Subsection A, may include:

1. Consultation office of a physician, dentist, licensed massage therapist, licensed acupuncturist, or other similar licensed medical practitioner or professional;
2. Workshop of dressmaker, seamstress, tailor;
3. Studio of music or dance instructor, martial arts instructor, personal trainer, tutor;
4. Adult residential care facilities, providing that the home is in accordance with all conditions of operation that are required by the City, County, and State, and comply with all inspections and licenses as required;
5. Home child care, child private care home, providing that the facility is in accordance with all conditions of operation that are required by the City, County, and State, and comply with all inspections and licenses as required;
6. Occasional provision of physical treatment such as physical therapy by a licensed physical therapist or treatment by a licensed massage therapist or licensed acupuncturist;
7. Keeping of animals for the breeding of more than two litters from one or more animals on the same property in one calendar year;
8. Occupations similar to those listed above;
9. Catering and food preparation for offsite consumption;
10. E-Commerce operations; and
11. Any home occupation listed below under Subsection C whereby employees or customers occasionally come to the site in compliance with the requirements of Subsection A.

C. The following uses, when used as a place of work, home office or business mailing address where no employee or customer is permitted to come to the site, are permitted as home occupations without a license:

1. Home office, to preclude physical treatment, of a physician, dentist, chiropractor, licensed massage therapist, or other similar licensed medical practitioner;
2. Home office for a lawyer, legal assistant, psychologist, psychiatrist, accountant, business management, professional member associations, bookkeeper, auditor, broker, tax consultant, financial consultant, travel agent, appraiser, architect, landscape architect, interior designer, draftsman, engineer, urban planner, builder, contractor, designer, desktop publisher, advertising professional, biologist, botanist, geologist, archeologist, paleontologist, secretarial and clerical services, professional and managerial consultant;
3. Home office for a private investigator, body guard, personal trainer, nutritionist, clown to include magician entertainment, disc jockey;
4. Home office for a computer software and hardware consultant to include hardware repair, Web master, data processor, Internet entrepreneur;
5. Home office for a plumber, electrician, landscape services, locksmith, carpet cleaner, HVAC contractor, painter, janitorial services;
6. Home office for a salesperson, sales representative, real estate agent, insurance agent, caterer, event planner;
7. Studio of author, composer, artist, painter (fine art), sculptor, photographer;
8. Studio for making arts and crafts such as making of stained glass, ceramics, jewelry, lapidary work, rug weaving, floral work;
9. Workshop for making and repair of portable musical instruments, bicycle repair;
10. Home office for a provider of telemarketing service, shuttle service, limousine service; and
11. Occupations similar to those listed above.

D. A home occupation shall not include the following uses:

1. Physical or medical treatment of persons or animals, animal hospitals, pet grooming, or a stable or kennel, except as may be allowed in Subsection B 6;
2. Carpenter shops or furniture repairing;
3. Massage establishments, except as may be permitted under Subsection B 6;
4. Plumber shops;

5. Heating and air conditioning shops;
6. Vehicle rental, repairing or painting; installation of automotive accessories;
7. Sign painting;
8. Contractors yards;
9. Scrap and salvage services;
10. Restaurants;
11. Cocktail lounges;
12. Rental outlets;
13. Equipment sales;
14. Sexually oriented businesses;
15. Recycling centers or drop-off recycling collection facilities;
16. Businesses involving the repair of any type of internal combustion engine or an electric motor over one horsepower rating, including equipment repair services.
17. Retail shops of any kind;
18. Reserved;
19. Funeral homes;
20. Tourist homes;
21. Beauty shops or barbershops, parlors, hair stylists, nail salon, spas, tattoo or body piercing services;
22. Medium and heavy appliance repair, to include but not be limited to electric and gas mowers, outboard and inboard motors, stoves and refrigerators;
23. Reserved;
24. Real estate office; and
25. Occupations similar to those listed above.

901.2 Home Occupation License Provisions

A. Applications for Home Occupation Licenses shall meet the following requirements:

1. No person shall operate or maintain, or permit the operation or maintenance of a home occupation without first having obtained a valid license from the Building Official.
2. Proof of a State of Texas license must be provided, where applicable, for child and adult residential care facilities prior to a home occupation license being issued.

3. Application for a home occupation license shall be made on a form provided by the Building Official and shall be accompanied by the established nonrefundable fee of \$50.00.
4. Those Home Occupations that require a license under this Chapter shall also comply with the City's Business Registration requirement in Ordinance 0069.
5. The application shall be sworn to by the applicant, and shall contain the following information:
 - a. The full name and address of the individual(s) or organization applying for the license;
 - b. A statement as to the type of home occupation that will be conducted;
 - c. All information required by the applicable provisions in this chapter and any other applicable City Ordinances;
 - d. A weekly estimate of the number of persons who will come to the site and deliveries that will be made to the site due to the home occupation;
 - e. Proof that the property has successfully passed an inspection by the Emergency Services District #1, if such inspection has been required by the Building Official;
 - f. Such other information, attachments, and submissions that are requested on the application form as reasonably necessary for a fair determination as to whether the license should be issued. The application form shall allow an applicant seeking to operate to an adult residential care facility to make submissions to request an exception to the limitation on the number of persons residing in a dwelling and submit evidence of the legal basis and need for such an exception.
6. As part of the application, the applicant shall provide written permission for the Town of Horizon City and the Emergency Services District #1 to conduct inspections of the property in its entirety that is subject of the application prior to a home occupation license being issued and at reasonable times as necessary. The Building Official shall have the authority to order such inspections when necessary to determine compliance with the health, safety, zoning and constructions standards established by the City in its Ordinances or compliance with the International Fire Code as adopted by the Emergency Services District #1 (collectively, "Standards"). Deficiencies in any Standards will be noted in writing and must be corrected before the license is issued.

B. Upon receipt of a complete application as provided in this chapter, the Building Official shall review and process the application.

C. The Building Official shall issue the license stating the type of home occupation authorized and permitted, in accordance with and as provided by the applicable provisions in this chapter within ten days of the completion of the processing of the application, unless the Building Official finds:

- a. One or more of the statements made in the application are not true;
- b. That applicant has made or caused to be made false statements or misrepresentations on the application;
- c. The applicant has failed to submit a complete application;
- d. The required fee has not been paid;
- e. The proposed home occupation is not permitted under this Chapter;
- f. The licensee is required to obtain a license for the business pursuant to Ordinance No. 0069 of the Town of Horizon City and has failed to obtain such license or file a simultaneous application for such license; or
- g. The requirements of this Chapter relating to the licensing requirements or issuance are not met.

The Building Official, when issuing a license for an adult residential care facility, is additionally authorized to make an exception to the number of persons allowed to reside in the dwelling unit when such exception is required by law or is shown by the applicant to be reasonably necessary and permitted under federal or state law. If the Building Official finds that the information submitted with the application is insufficient or inadequate to grant a requested exception, the Building Official will notify the applicant and allow the applicant to submit any additional information and evidence as desired by the applicant within the next ten days.

D. The license for a home occupation is for one year, which begins January 1st and ends December 31st and may be renewed annually. No fees related to Home Occupation Licenses shall be prorated. The home occupation may only be operated for the purpose and type of home occupation stated on the license.

E. A request for renewal and renewal fee must be paid prior to expiration of the license:

- a. The annual renewal fee for a renewal application filed on or before the 15th day after the expiration of the permit shall be \$35.00. The Building Official may provide for an expedited renewal application process for such applications.
- b. Any application seeking renewal filed after the 15th day after the expiration of a prior permit shall be filed in the same manner as an original application under subsection A and be subject to that application fee.

F. License denial, suspension and revocation.

- a. The Building Official may suspend or revoke any license granted hereunder by serving the licensee with written notice by hand-delivery or certified mail, if the licensee is found to be in violation of this chapter, if the licensee is operating a different type of home occupation than stated on the license, or when found, in the opinion of the Building Official, that the home occupation poses a significant health risk to the public.
- b. The Building Official shall issue the written notice of denial, suspension or revocation of a license to the licensee and shall contain, as a minimum, the following:
 - a. The name and address of the location of the home occupation and name of the licensee;
 - b. A statement that the license is denied, suspended or revoked;
 - c. The reason(s) for the denial, suspension or revocation;
 - d. An order that the portion of the dwelling used for a home occupation to be closed and not be accessible to the public, as appropriate;
 - e. A statement prohibiting the further use of the structure for a home occupation, as appropriate;
 - f. Recommended corrective measures to bring the structure into compliance with the requirements of this chapter and any other applicable Ordinance of the Town of Horizon City;
 - g. The reasonable time limit established for the completion of the corrective measures;
 - h. A statement that the license, if suspended, is subject to revocation for failure to complete the corrective measures within the allotted time;
 - i. If applicable, a statement regarding the denial of a requested exception to the number of persons residing in a dwelling unit licensed as an adult residential care facility, and
 - j. A statement that the denial, suspension or revocation may be appealed to the City Council:
 - (i) Within ten business days of denial, suspension or revocation, the Building Official, shall prepare a report indicating the reasons for the denial, suspension or revocation, and shall provide a copy to applicant or licensee. The Building Official's decision is final unless within ten calendar days from the date of receiving such official's report, the applicant or licensee files with the city clerk a written appeal to the City Council specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the Building Official's report.

- (ii) The City Council shall review the report of the Building Official and the appellant's rebuttal and may allow the appellant to make an oral presentation or submit additional rebuttal. The City Council shall make its review and make a ruling on the appeal within a reasonable period of time after the appeal has been filed.
- (iii) The City Council shall sustain, reverse or modify the action of the Building Official and shall direct city staff to notify the appellant of the decision in writing. The decision of the City Council is final.
- c. The Building Official or designee may post a sign at any location where a license has been suspended or revoked pursuant to this chapter alerting the public that the location no longer has a valid license.

G. Enforcement.

- 1. The Building Official and designees shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations as provided for in this Ordinance. Any violation of this chapter is hereby declared to be a nuisance.
- 2. Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:
 - a. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - b. Any other remedy available by law.

CHAPTER 13

Planned Unit Development

Section 1311 Bulk Regulations

1311.3 Mixed Residential Area

1311.3.2 Additional Regulations for Mixed Residential Area

1311.3.2.1 Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.

1311.3.2.2 A commercial use may only be located on the first floor of a building. Up to one-half of the second floor may be used for accessory uses that are not open to the public.

1311.3.2.3 There may be not more than eight dwelling units in a single structure.

1311.3.2.4 There may be not more than one principal structure on a site.

1311.3.2.5 There may be not more than one accessory dwelling unit on a site.

1311.3.2.6 A garage entry may not face the street unless it is at least 5 feet behind the front building face of the principal structure. In no instance shall a driveway leading to the garage measure less than 20 feet in depth.

1311.4 Neighborhood Edge Area. (amending only subsection 1311.4.2.13)

1311.4.2 Site Development Regulations for Neighborhood Edge Area.

1311.4.2.13 A garage entry may not face the street unless it is at least 5 feet behind the front building face of the principal structure. In no instance shall a driveway leading to the garage measure less than 20 feet in depth.

**APPENDIX I
Cellular Communication Towers**

(Amending only subsection A. 6.)

6. The boundaries of the land area shown within the application, and for which a permit is granted, shall be known as the setback zone, whether or not the area is leased or owned by setback zone as herein described, except where authorized by a Specific Use Permit (SUP).

ARTICLE 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.

ARTICLE 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.

ARTICLE IV. SEVERABILITY

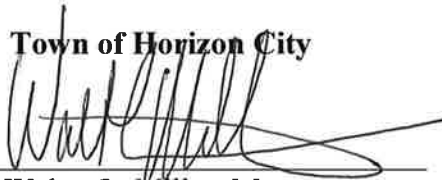
Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE 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 24th day of February, 2015, by a vote of 5 (ayes) to 1 (nays) to 0 (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City



Walter L. Miller, Mayor

ATTEST:




Elvia Schuller, City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney

APPROVED AS TO CONTENT:



Michelle Padilla, AICP, CNU-A
Planning Director

First Reading: 1/13/2015
Second Reading: 2/24/2015