

**ORDINANCE NO. 0233**

**AN ORDINANCE ADOPTING A ZONING CHANGE WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF HORIZON CITY, TEXAS; REZONING ONE PARCEL FROM R-2, RESIDENTIAL, TO C-1, COMMERCIAL, FOR COMMERCIAL USE, CONTAINING APPROXIMATELY 1.4567 ACRES; BEING A PART OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE JACOB KNEIBER SURVEY, A-51 AND PART OF THE PERMANENT SCHOOL FUND LAND SURVEY, A-5473, HORIZON CITY, EL PASO COUNTY, TEXAS, LOCATED SOUTH AND WEST OF THE INTERSECTION OF HORIZON BOULEVARD AND ASCENCION STREET; AND AUTHORIZING THE NOTATION OF THE CHANGE ON THE OFFICIAL ZONING MAP OF THE TOWN; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; AND PROPER NOTICE AND HEARING.**

**WHEREAS,** an application was made to change a designated zone for a parcel of property as identified herein within the municipal limits of the Town of Horizon City; and

**WHEREAS,** said application was forwarded to and considered by the Town of Horizon City Planning and Zoning Commission; and

**WHEREAS,** the Planning and Zoning Commission has complied with all state and local laws affecting the changing of zones and held a public hearing to obtain public comments; and

**WHEREAS,** the Planning and Zoning Commission has recommended that the zoning on the parcel of property be rezoned to C-1, Commercial; and

**WHEREAS,** the City Council of the Town of Horizon City ("Town Council") seeks to promote safe, orderly and consistent use and development of real property; and

**WHEREAS,** the notice required by the Texas Local Government Code has been published in the official newspaper and given to adjacent property owners; 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 zoning change have been reviewed and considered; and

**WHEREAS,** the Town Council in its decision for rezoning finds that such rezoning is in the public interest of the Town of Horizon City, Texas; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the Town has general authority to adopt an ordinance or police regulation 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,** pursuant to Texas Local Government Code Chapter 211, the Town is authorized to promulgate and enforce zoning regulations; and

**WHEREAS,** the Town 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.

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

### **I. REZONING**

The zoning be changed from R-2 (Residential) to C-1 (Commercial), within the meaning of the Zoning Ordinance, No. 0102, as amended, for approximately 1.4567 acres, more or less and legally described by Metes and Bounds Description, Exhibit "A" attached hereto and by reference included herein.

### **II. ZONING MAP**

The zoning map for the Town of Horizon City shall be modified to include the zoning changes directed by this ordinance.

### **III. 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.

### **IV. 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.

**V. 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.

**VI. 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.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of October, 2016, by a vote of 7 (eyes) to 0 (nays) to 0 (abstentions) of the Town Council of Horizon City, Texas.

Town of Horizon City  
By: [Signature]  
Ruben Mendoza, Mayor

ATTEST:  
By: [Signature]  
Elvia Schuller, TRMC, City Clerk



APPROVED AS TO FORM:  
[Signature]  
for Elaine S. Hengen, Assistant City Attorney

First Reading: 09/13/2016  
Second Reading: 10/11/2016