



**HORIZON CITY**

Incorporated 1988

**AGENDA  
PUBLIC MEETING  
REGULAR PLANNING AND ZONING MEETING  
THE TOWN OF HORIZON CITY, TEXAS  
Monday, June 20, 2022, 6:00 PM**

Notice is hereby given that a Regular Planning and Zoning Meeting of the Town of Horizon City, Texas will be held on **Monday, June 20, 2022 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

**1. CALL MEETING TO ORDER & DETERMINATION OF QUORUM**

**2. COMMISSION MEMBERS ATTENDANCE:**

**COMMISSIONERS EXCUSED AND UNEXCUSED:**

**3. OPEN FORUM:** NOTE: The Planning & Zoning Commission encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in the order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A "Speaker Request" form is available for those who wish to sign up on the day of the meeting. This form is also available in advance by downloading the attached form. Please submit the "Speaker Request" form completely filled out to the Board Secretary prior to the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations. Please contact the Board Secretary at (915) 852-1046 Ext. 404 with any additional questions. **3**

**4. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC AND APPLICANTS** The staff report for an agenda item may include conditions, exceptions or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modification, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

**A. DISCUSSION AND RECOMMENDATION:**

**4**

Planning Director

*(This item has been postponed at previous meetings per the applicant's request)* On the resubmitted replat application for **Horizon Manor Unit Three Replat "A" (#RP-002460-2020)**, legally described as a portion of Lot 19, Block 9, Horizon Manor Unit Three, Town of Horizon City, El Paso County, Texas. Containing 7.9365 ± acres. Application submitted by CAD Consulting Co.

**5. OTHER BUSINESS**

**A. DISCUSSION AND ACTION:**

**12**

On proposed amendments to the Horizon City Municipal Code to allow an unenclosed carport as a permitted use on residential and multi-family properties.

**B. DISCUSSION AND ACTION:**

19

On the Planning and Zoning meeting minutes for the meeting held on May 16, 2022

**6. ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Monday, July 18, 2022 at 6pm.**

Adjournment:

Motion to Adjournment: \_\_\_\_\_ 2nd \_\_\_\_\_

Dated this

By: \_\_\_\_\_

Elvia Schuller, City Clerk

I, the undersigned authority, hereby certify that the above notice of the Regular Planning and Zoning Meeting of the Town of Horizon City, Texas is a correct copy of this notice, and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at the City Hall Bulletin Boards of the Town of Horizon City, Texas on this \_ by 5:00 p.m.

Agenda Removed: \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

# SPEAKER REQUEST FORM

*(for all persons who wish to address the Board or Commission)*

Date of Meeting: \_\_\_\_\_

Your Name: \_\_\_\_\_

Residence Address: \_\_\_\_\_

City: \_\_\_\_\_ Contact Number: \_\_\_\_\_

## **IF SPEAKING FOR AN ORGANIZATION:**

Name of Organization: \_\_\_\_\_

Speaker's Official Capacity: \_\_\_\_\_

Agenda Item No.: \_\_\_\_\_ Public Hearing Agenda Item No.: \_\_\_\_\_

For (if applicable)       Against (if applicable)

## **OPEN FORUM:**

To speak on an item not listed on the agenda, known as **OPEN FORUM**, please indicate area of interest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please remember to step to the podium as soon as you are recognized by the chair; state your name and address before beginning your presentation. If you have written notes you wish to present to the Chair and the Board/Commission, PLEASE FURNISH AN EXTRA COPY FOR THE BOARD/COMMISSION.

The Board/Commission will appreciate each speaker limiting an address on any one item to three minutes.

Thank you for your cooperation.

**PLEASE CARRY THIS FORM TO THE  
BOARD SECRETARY AT THE DESK PRIOR  
TO THE BEGINNING OF THE MEETING.**



**TOWN OF HORIZON CITY  
Planning and Zoning Commission Staff Report**

**Case No.:** SUB-002460-2021  
*Horizon Manor Unit Three Replat "A"*

**Application Type:** **Preliminary and Final Plat**

**P&Z Hearing Date:** December 20, 2021 (Applicant has requested postponement since April 2021)

**Staff Contact:** Michelle Padilla  
915-852-1046; mpadilla@horizoncity.org

**Address/Location:** The vacant parcel is located within Opossum Circle and abuts Duanesburg St.

**Legal Description:** A portion of Lot 19, Block 9, Horizon Manor Unit 3  
Town of Horizon City, El Paso County, Texas

**Acreage:** Approximately 7.9365 ± Acres

**Owner:** JDP Properties LLC

**Applicant:** Not Provided

**Nearest Park:** Golden Eagle Park

**Nearest School:** Carroll T. Welch Elementary School

**SURROUNDING PROPERTIES:**

	<b>Zoning</b>	<b>Land Use</b>
<b>N</b>	R-8 (Residential)	SF (Single Family) Homes
<b>E</b>	R-9 (Residential)	SF (Single Family) Homes
<b>S</b>	R-8 (Residential)	SF (Single Family) Homes
<b>W</b>	R-8 (Residential)	SF (Single Family) Homes

**LAND USE AND ZONING:**

	<b>Existing</b>
<b>Land Use</b>	Vacant
<b>Zoning</b>	R-2 Residential

**Application Description:**

The proposed subdivision is approximately 7.9365 acres and includes 16 lots for single-family residential development, the smallest lot measuring approximately 6,000.2 square feet and the largest lot measuring approximately 6,615.9 square feet in size. In addition, a ponding area of approximately 5.639 acres is included.

In accordance with Section 2.8.1 of the Subdivision Ordinance, the proposed subdivision will require that parkland fees in the amount of \$6,400.00 be paid prior to filing the final plat.

**Notice:**

In accordance with Section 212.015.f of the Texas Local Government Code, notice of the approval of the replat will be mailed to each property owner of a lot in the original

subdivision that is within 200 feet of the lot(s) to be replatted no later than fifteen (15) days after the date of the City Council meeting at which the replat is approved.

**Staff Recommendation:**

Staff recommends *approval* of the proposed preliminary plat with the following conditions:

1. All comments shall be addressed prior to City Council action.

**Planning Comments:**

- If there is ponding to be dedicated, the dedication shall be included in the "Owner's Dedication, Certification and Attestation" statement.
- Staff continues to work with the applicant/developer to determine the City's share, if any, of the drainage improvements.
- Addresses shall be provided for lots 10 through 17, block 1 on both the preliminary and final plats.

**Public Works Director Comments:**

Preliminary Plat:

1. Metes and Bounds description is missing Bearing N 89 57' 28'' E and Distance 110.00' at point of beginning.
2. Provide utility easements on Block 1 lots 1-8.
3. Provide Ponding capacity information/calculations. See Ordinance No.0035, 4.2.2.5 (7c.) and 4.2.2.6 (8c.) and 4.2.2.6 (8d.) and 4.2.2.7 (9).
4. Updated Drainage study/report to be submitted during the Subdivision Improvement Plan Review.
5. Show watershed areas.
6. On the note section #8, modify note stating the developer is responsible to repave/improve any portion of Duanesburg St. and/or Opossum Cir. (to include sidewalk, drainage easements, rock/retaining walls, drainage structures and H.C. Ramps) as necessary for drainage purposes.

Final Plat:

1. Metes and Bounds description is missing Bearing N 89 57' 28'' E and Distance 110.00' at point of beginning.
2. Provide utility easements on Block 1 lots 1-8.
3. Missing addresses on lots 10-17, Block 1, no address review. El Paso County 9-1-1 District approval is required.
4. Updated Drainage study/report to be submitted during the Subdivision Improvement Plan Review.
5. Provide A copy of the restrictions and covenants to be recorded, if any.

**Town Engineer Comments:**

Preliminary Plat:

1. Remove the cross-section for the Residential Sub-collector Street from the plat, included in the plat.
2. Update the drainage calculations table to reflect plat drainage areas.
3. It is not clear from the plat if the pond will remain private or be dedicated to the Town of Horizon City. Please clarify.
4. Update plat with revision date.
5. Coordinate with the Town of Horizon City with regard to any additional comments they may have.

Final Plat:

1. If the pond is going to be dedicated to the Town of Horizon City, include the pond in the dedication statement.

2. Update plat with revision date.
3. Revise dates in dedication and signature blocks to 2021.
4. Coordinate with the Town of Horizon City with regard to any additional comments they may have.

**El Paso Electric Company:**

Plat (comments):

- Lot 1 thru Lot 8 – provide 10' wide easement along frontage of all lots
- Lot 9 (ponding area) - Continue platted 5' wide utility easement along entire  
Access to ponding area converted to 20' wide  
drainage and utility easement  
Future use? Developable?  
Will it be requiring power?

Additional comments:

- Developer is to coordinate with EPE's Operation Departments (Distribution) to discuss/perform construction
- Developer is to provide Engineering plans (construction drawings) to EPE for review and comment

**El Paso County 9-1-1 District:**

Pending comments on proposed addressing.

**Clint Independent School District Comments:**

CISD has the capacity for additional students.

**Additional Requirements:**

Failure of the subdivider to submit a recording plat within twelve (12) months of approval of the final plat by the City Council will nullify the approval of the final plat and obligate the subdivider to reapply for preliminary plat approval should the subdivider wish to pursue the subdivision. (Municipal Code Chapter 10, Section 4.11.2)

**Attachments:**

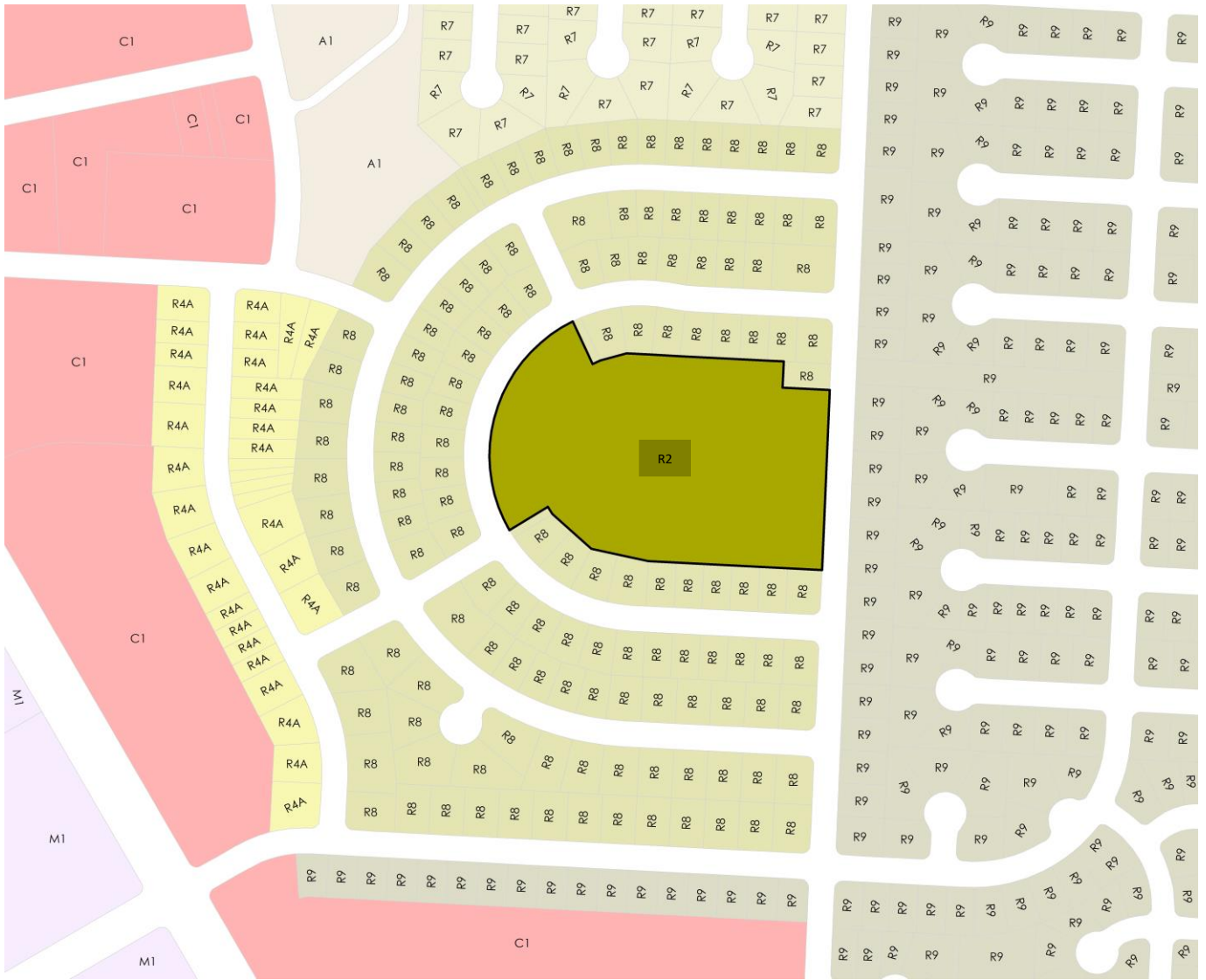
- 1 **Aerial**
- 2 **Zoning Map**
- 3 **Location Map**
- 4 **Preliminary Plat**
- 5 **Final Plat**
- 6 **Application**

**Attachment 1: Aerial**



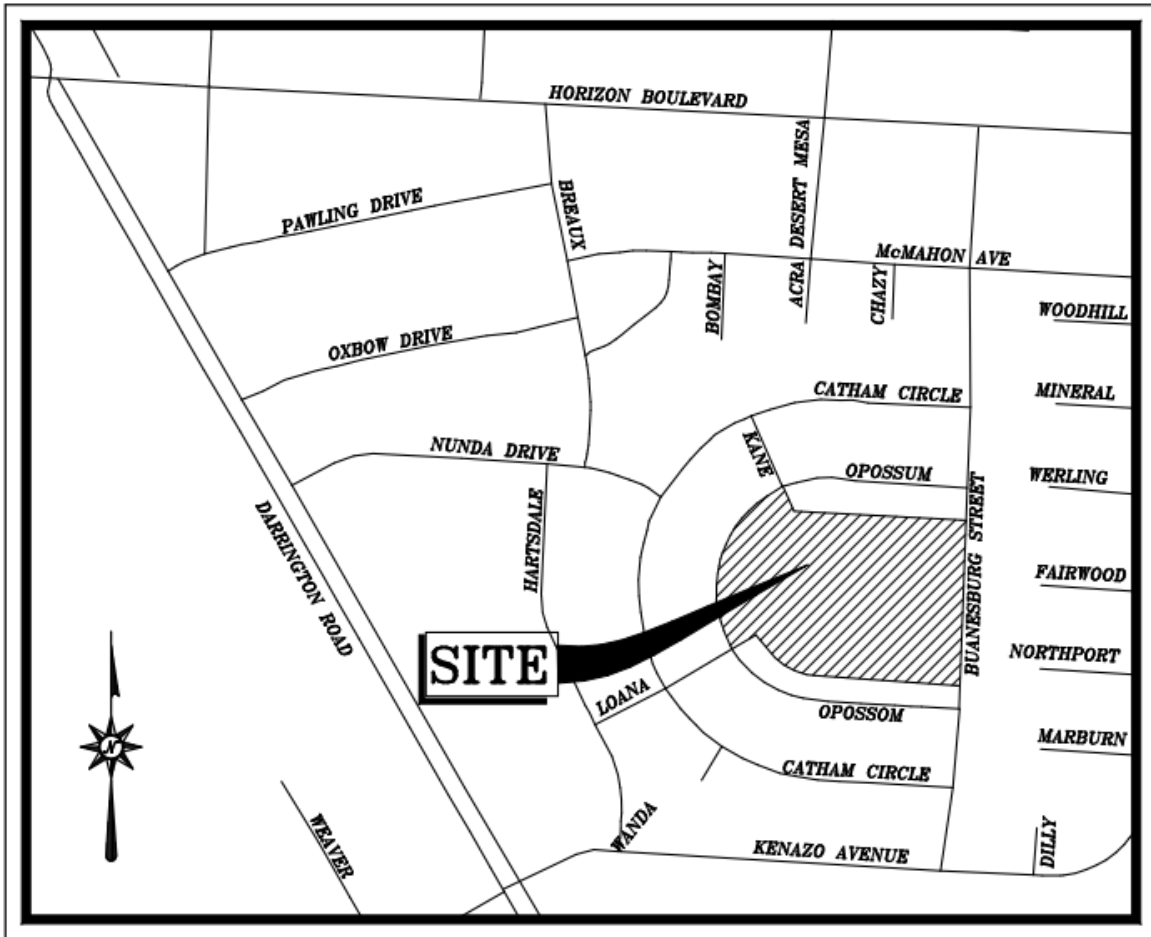
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Attachment 2: Zoning Designation



Attachment 3- Location Map

LOCATION MAP: 1"=600'





**Attachment 5 - Application**



**TOWN OF HORIZON CITY**  
 14999 Darrington Road  
 Horizon City, Texas 79928  
 Phone 915-852-1046 Fax 915-852-1005

**REPLAT APPLICATION**

*RP-002460-2020*

SUBDIVISION PROPOSED NAME: HORIZON MANOR UNIT 3 REPLAT A SUBMITTAL DATE: \_\_\_\_\_

1. LEGAL DESCRIPTION FOR THE AREA INCLUDED ON THIS PLAT (TRACT, BLOCK, GRANT, etc.)  
A PORTION OF LOT 19, BLOCK 9, HORIZON MANOR UNIT THREE

2. PROPERTY LAND USES:

	ACRES	SITES		ACRES	SITES
SINGLE-FAMILY	_____	<u>16</u>	OFFICE	_____	_____
DUPLEX	_____	_____	STREET & ALLEY	_____	_____
APARTMENT	_____	_____	PONDING & DRAINAGE	<u>5.6369</u>	<u>1</u>
MOBILE HOME	_____	_____	INSTITUTIONAL	_____	_____
P.U.D.	_____	_____	OTHER	_____	_____
PARK	_____	_____		_____	_____
SCHOOL	_____	_____	TOTAL NO. SITES	_____	<u>16</u>
COMMERCIAL	_____	_____	TOTAL (GROSS) ACREAGE	<u>7.9365</u>	_____
INDUSTRIAL	_____	_____			

*Planning Department*  
3/25/21  
*State Rec'd*

3. WHAT IS THE EXISTING ZONING OF THE ABOVE DESCRIBED PROPERTY? R-2 PROPOSED ZONING \_\_\_\_\_

4. WILL THE RESIDENTIAL SITES, AS PROPOSED, PERMIT DEVELOPMENT IN FULL COMPLIANCE WITH ALL ZONING REQUIREMENTS OF THE EXISTING RESIDENTIAL ZONE(S)? YES  NO

5. WHAT TYPE OF UTILITY EASEMENTS ARE PROPOSED? UNDERGROUND  OVERHEAD  COMBINATION

6. WHAT TYPE OF DRAINAGE IS PROPOSED? (IF APPLICABLE LIST MORE THAN ONE) DRAIN TO POND

7. IF SINGLE-FAMILY OR DUPLEX DEVELOPMENT IS PROPOSED: AVERAGE FLOOR AREA OF HOUSES \_\_\_\_\_

8. ARE SPECIAL IMPROVEMENTS PROPOSED IN CONNECTION WITH THE DEVELOPMENT? YES  NO

9. IS A MODIFICATION OF ANY PORTION OF THE SUBDIVISION ORDINANCE PROPOSED? YES  NO   
 IF ANSWER IS "YES", PLEASE EXPLAIN THE NATURE OF THE MODIFICATION \_\_\_\_\_

10. WHAT TYPE OF LANDSCAPING IS PROPOSED? PARKWAY  MEDIANS  OTHER

11. REMARKS AND/OR EXPLANATION OF SPECIAL CIRCUMSTANCES: \_\_\_\_\_

12. WILL PLAT BE RECORDED PRIOR TO SUBDIVISION IMPROVEMENTS BEING COMPLETED & APPROVED?  YES  NO  N/A INITIALS JDP  
 IF YES, submit REQUIRED GUARANTEE (SECTION 4.10.3 & 8.1.7, Municode Chapter 10) OR Improvement Cost Estimates & Construction Agreement \_\_\_\_\_

13. WILL ANY RESTRICTIONS AND COVENANTS BE RECORDED WITH PLAT? YES  NO  INITIALS JDP IF YES, PLEASE ATTACH COPY.

14. OWNER OF RECORD JAP PROPERTIES LLC 6713 CARTAN AVENUE 256-1913  
 (NAME & ADDRESS) (EMAIL) (PHONE)

15. DEVELOPER \_\_\_\_\_  
 (NAME & ADDRESS) (EMAIL) (PHONE)

16. ENGINEER 4S ENGINEERING SERVICES 3616 MCRAE 443-9644  
 (NAME & ADDRESS) (EMAIL) (PHONE)

17. APPLICANT \_\_\_\_\_  
 (NAME & ADDRESS) (EMAIL) (PHONE)

18. REP/POINT OF CONTACT CAD CONSULTING CO. 1790 N. LEE TREVINO 633-6422  
 (NAME & ADDRESS) (EMAIL) (PHONE)

**NOTE:** Applicant is responsible for all expenses incurred by the City in connection with the Replat approval request, including but not limited to attorney's fees, engineering fees and publication. Charges exceeding deposit will be invoiced separately. Initials JDP.

Applicant Signature [Signature] EMAIL JAPPROPERTIES@OUTLOOK

APPLICATION MUST BE COMPLETE & VALIDATED PRIOR TO SUBDIVISION PROCESSING  
 Acceptance of fee does not grant acceptance of application.  
 Non Refundable Deposit \$500 | Application Fees: \$100 | Publishing Fee Deposit (if applicable): \$260



**TOWN OF HORIZON CITY**  
**MEMORANDUM**

**Date:** June 13, 2022

**To:** Honorable Mayor and Members of City Council

**From:** Michelle Padilla, Planning Director

**SUBJECT:** **1st Reading of Ordinance No. 0102, Amendment No. 035**, 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) to revise the definitions of accessory structure, awning, canopy, carport, and garage; Section 807 (Permitted Accessory Uses) to allow detached carports, and Section 812 (Yards) to revise the regulations of side and rear yards, side street yard and front yards to allow a carport, open at a minimum of three (3) sides, for single-family dwellings or multifamily units; and providing for the following: findings of fact; repealer; severability; proper notice and hearing; the penalty being as provided in Subchapter 8, Section 810, of the City Code of the Town of Horizon City, Texas, creating a misdemeanor punishable by a fine not to exceed \$2,000.00.

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The City Council directed staff to explore and propose amendments to the City's Code that would allow for the construction of carports on residential properties. The attached ordinance amendment provides the recommended changes that would allow for such carports.

The proposed ordinance amendment also addresses the feedback that the Planning and Zoning Commission provided at their May 16, 2022 meeting.

The second reading and public hearing for this amendment is scheduled for the regular City Council meeting on July 12, 2022.

**ORDINANCE NO. 102, AMENDMENT NO. 035**

**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) TO REVISE THE DEFINITIONS OF ACCESSORY STRUCTURE, AWNING, CANOPY, CARPORT AND GARAGE; SECTION 807 (PERMITTED ACCESSORY USES) TO ALLOW DETACHED CARPORTS, AND SECTION 812 (YARDS) TO REVISE THE REGULATIONS OF SIDE AND REAR YARDS, SIDE STREET YARD AND FRONT YARDS TO ALLOW CARPORTS FOR SINGLE-FAMILY DWELLINGS OR MULTIFAMILY UNITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN SUBCHAPTER 8, SECTION 810 OF THE CITY CODE 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 and considered by the Town of Horizon City Planning and Zoning Commission to amend portions of the Zoning Ordinance as set forth in Chapter 14 of the Municipal Code; and

**WHEREAS,** the Planning and Zoning Commission considered the staff's proposals at its May 16, 2022 meeting and voted to recommend approval of the change 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 by the City 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 of Horizon City has general authority to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; 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 Town of Horizon City has created setbacks through ordinances, zoning restrictions and its Building Codes for reasons of public policy such as safety, privacy and environmental protection; 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.

**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 Ordinance to amend Chapter 14 of the Municipal Code, which chapter regulates zoning within the territorial limits of the Town of Horizon City and related matters, to amend Sections 202, 807, and 812 as follows:

**CHAPTER 2  
General Definitions**

**Section 202, General Definitions,** is revised to amend the definitions of Accessory Structure, Awning, Canopy, Carport, and Garage. The Definitions shall read as follows:

*Accessory Structure.* An incidental subordinate building or other structure customarily detached from, incidental to, and located on the same lot as the main use or building, such as a canopy.

*Awning.* A shelter constructed of fabric or other material supported by the building and installed to extend outward from the building to provide a protective shield for doors, windows and other openings for commercial structures.

*Canopy.* A roofed accessory structure constructed or prefabricated of fabric or other material with supports extending to the ground directly under the canopy placed to extend outward and detached from the primary building or use, providing shade.

*Carport.* A structure consisting of a solid roof that is open -on a minimum of three sides -for the purpose of storing and sheltering ~~for~~ of motor vehicles.

*Garage.* A fully enclosed motor vehicle shelter, in which motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

## CHAPTER 8 General Provisions

### Section 807 Permitted Accessory Uses

**807.1 General subsection H, Residential Accessory Structures,** and subsection H.2. are hereby amended to read as follows:

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 carport, 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.

2. The structure shall be a minimum of five (5) feet from the main building, except that carports may be located in a side or side street setback in accordance Sections 812.3 and 812.4 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.

## CHAPTER 8 General Provisions

### Section 812 Yards

**Section 812.2 Front Yards** is revised to include a new subsection E and to renumber the existing section E as F so that subsections E and F will read as follows:

E. On a single-family dwelling or multifamily unit a carport, , over a twenty-four foot (24') wide maximum driveway, or a thirty foot (30') wide maximum driveway when permitted by Section 3.06.188 of the Municipal Code, may extend not more than a length of fifteen feet (15') into a required front yard setback, measured to the edge of the roof line, for a maximum of four hundred fifty (450) square feet in size. The carport shall not exceed a height of fifteen feet (15') and must maintain setbacks from the side property lines that are the equal to the required side yard and side street yard setbacks . The carport is encouraged to resemble the main residential structure in scale and character. A maximum of one carport may be located on a property with a single-family dwelling and a maximum of one carport per multifamily unit shall be allowed.

F. 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.

## **CHAPTER 8**

### **General Provisions**

#### **Section 812 Yards**

**Section 812.3 Side and rear yards** is revised to include a new subsection D and to renumber the existing section D and E as sections E and F so that Section 812.3 will read as follows:

#### **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. On a single-family dwelling or multifamily unit, a carport, at least nine feet (9') wide, measured to the edge of the roof line, may be located in the side or side street yard. A carport located on a side or side street yard shall not exceed fifteen feet (15') in height and shall not exceed the length of the side yard of the primary dwelling or unit structure. The carport shall meet the minimum side or side street yard setback and must maintain all other required setbacks. The carport is encouraged to resemble the main residential structure in scale and character . A maximum of one carport may be located on a property with a single-family dwelling and a maximum of one carport per multifamily unit shall be allowed.
- E. 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.
- F. 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 8**

### **General Provisions**

**Section 812.4 Side street yard** is revised to include amend subsection B and add a new section C so that Section 812.4 will read as follows:

#### **812.4 Side street yard**

Side street yard 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 street yard.
- B. Accessory structures may extend up to five feet into a required side street yard.
- C. On a single-family dwelling or multifamily unit, a carport, at least nine feet (9') wide, measured to the edge of the roof line, may be located in the side or side street yard. A carport located on a side or side street yard shall not exceed fifteen feet (15') in height and shall not to exceed the length of the side yard of the primary dwelling or unit structure in which it is located. The carport shall meet the minimum side or side street yard setback and must maintain all other required setbacks. The carport is encouraged to resemble the main residential structure in scale and character . A maximum of one carport may be located on a property with a single-family dwelling and a maximum of one carport per multifamily unit shall be allowed.

### **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. EFFECTIVE DATE**

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon the date of its final passage and adoption.

**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 and the Charter of the Town of Horizon City, Texas.

**PASSED AND APPROVED** this the \_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Horizon City, Texas.

**Town of Horizon City**

\_\_\_\_\_  
Ruben Mendoza, Mayor

**ATTEST:**

\_\_\_\_\_  
Elvia Schuller, TRMC, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Theresa Cullen Cordova  
Assistant City Attorney

\_\_\_\_\_  
Michelle Garcia, AICP, CNU-A  
Planning Director

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_



1. **CALL MEETING TO ORDER & DETERMINATION OF QUORUM**

2. **COMMISSION MEMBERS ATTENDANCE:**

**COMMISSIONERS EXCUSED AND UNEXCUSED:**

3. **OPEN FORUM:** NOTE: The Planning & Zoning Commission encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in the order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A "Speaker Request" form is available for those who wish to sign up on the day of the meeting. This form is also available in advance by downloading the attached form. Please submit the "Speaker Request" form completely filled out to the Board Secretary prior to the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations. Please contact the Board Secretary at (915) 852-1046 Ext. 404 with any additional questions.

4. **PUBLIC HEARINGS**

NOTICE TO THE PUBLIC AND APPLICANTS The staff report for an agenda item may include conditions, exceptions or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modification, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

A. **DISCUSSION AND RECOMMENDATION:**

Planning Director

*(This item has been postponed at previous meetings per the applicant's request)* On the resubmitted replat application for **Horizon Manor Unit Three Replat "A" (#RP-002460-2020)**, legally described as a portion of Lot 19, Block 9, Horizon Manor Unit Three, Town of Horizon City, El Paso County, Texas. Containing 7.9365 ± acres. Application submitted by CAD Consulting Co.

**ACTION:** Motion made by **GARDEA**, 2<sup>ND</sup> by **DURAN** to postpone item.

**AYES:** **BERRY, FLORES, MELENDEZ, AVILA, DURAN and GARDEA.**

**MOTION CARRIED**

5. **OTHER BUSINESS**

A. **DISCUSSION AND ACTION:**

On proposed amendments to the Horizon City Municipal Code to allow an unenclosed carport as a permitted use on residential and multi-family properties.

**ACTION:** Motion made by **GARDEA**, 2<sup>ND</sup> by **DURAN** to allow with recommended P&Z feedback

**AYES:** **ARMSTRONG, BERRY, FLORES, MELENDEZ, AVILA, DURAN and GARDEA.**

**MOTION CARRIED**

B. **DISCUSSION AND ACTION:**

On the Planning and Zoning Special Meeting minutes for the meeting held on Monday, April 25, 2022

**ACTION:** Motion made by **FLORES**, 2<sup>ND</sup> by **GARDEA** to approve the special meeting minutes.

**AYES:** **ARMSTRONG, BERRY, FLORES, MELENDEZ, AVILA, DURAN and GARDEA.**

**MOTION CARRIED**



**6. ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Monday, June 20, 2022 at 6pm.**

**EXECUTIVE SESSION**

The Planning and Zoning Commission of the Town of Horizon City may recess into Executive Session pursuant to the Texas Government Code, Chapter 551, Subchapter D, under Article 551.071 – Consultation with Attorney; 551.072 – Deliberation regarding Real Property; and 551.087 – Deliberation regarding Economic Development Negotiations.

**ADJOURNMENT:** The meeting adjourned at 7:09 pm.

\_\_\_\_\_  
Robert Rivenburg – Chair

\_\_\_\_\_  
(Date)

**ATTEST:**

\_\_\_\_\_  
Elizabeth S. Luna  
Secretary to the Boards

**DISTRIBUTION OF MINUTES:**

Original: Horizon City Administrative File  
Copy: Planning and Zoning Commission  
Posted: Internet Website: [www.horizoncity.org](http://www.horizoncity.org)