



PLANNING & ZONING COMMISSION PUBLIC HEARING/REGULAR SESSION
Tuesday, March 26, 2024, 6:00 PM
EVENT CENTER 60 MORGAN'S POINT BOULEVARD

Call to Order

Announcements and Citizens Comments

1. Approval of Minutes

- a.** Discuss and Consider - Approval of February 27, 2024, Minutes

Open Public Hearing

For: Short Term Rental at 37 Bluebonnet Lp, MPR Tx 76513

Close Public Hearing

2. Regular Agenda

- a.** Discuss and Consider - Specific Use Permit for Short term rental at 37 Bluebonnet Lp, MPR Tx 76513
- b.** Discuss and Consider - Resetting Commission Service Terms
- c.** Discuss and Consider - Amendments to Ordinances
- d.** Discuss and Consider - Definitions in Section 3 of Ordinances
- e.** Discuss and Consider - Approving Appendix B revisions

3. MPR Comprehensive Plan Update

4. Items for Future Agendas

5. P & Z Commission Updates & Comments

6. City Manager Updates & Comments

7. Adjournment

I certify that a copy of the __3/26/2024__ agenda of items to be considered by the Morgan's Point Resort was posted and could be seen on the City Hall bulletin board on the __3/22/2024__ at 4:00PM and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must

Planning & Zoning Commission Public Hearing/Regular Session

Tuesday, March 26, 2024

Page 1 of 2

be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254 742-3206 for further information

Camille Bowser, City Secretary



PLANNING & ZONING COMMISSION

Tuesday, February 27, 2024, 6:00 PM

MARY RUTH BRIGGS LIBRARY 8 MORGAN'S POINT BLVD

To View the meeting go to: www.MorgansPointResortTX.com/YouTube

Call to Order

Chair, Rebecca Cooley, called meeting to order at 6:00 PM

PRESENT

- Eric Seeliger
- Louis Guillaud
- Ken Hobbs
- Rebecca Cooley
- Thomas Westmoreland
- Leslie Minor

ABSENT

- Justin Strawn

Announcements and Citizens Comments

N/A

Presentations

N/A

1. Approval of Minutes

- a. Discuss and Consider - Approval of January 23, 2024, Minutes

Motion made to approve January 23, 2024, Minutes

Motion made by Guillaud, Seconded by Westmoreland.

Voting Yea: Seeliger, Hobbs, Minor

2. Regular Agenda

- a. Discuss and Consider - Adding stop signs at the intersection of Bending Branch and Wills Point Way/Quitman Court, changing it from a 2-way stop to a 4-way stop

No action taken

Will be given to City Council

- b. Discuss and Consider - Comprehensive Plan

Interim City Manager, Uryan Nelson, will give update at later time

- c. Discuss and Consider - Appendix B, Sections 1, 2, 23, & 24

Revisions were made and an updated version will be presented at the next Planning and Zoning meeting.

3. MPR Master Plan Update

N/A

4. Items for Future Agendas

- 1. Staggered terms for P&Z members
- 2. Appendix B Section 3 – Definitions review
- 3. Appendix B Section 23 and 24 revisions

P & Z Commission Updates & Comments

N/A

City Manager Updates & Comments

N/A

5. Adjournment

Meeting adjourned at 7:14 PM

I certify that a copy of the 2/27/2024 agenda of items to be considered by the Morgan’s Point Resort was posted and could be seen on the City Hall bulletin board on the 2/23/2024 at 4:00PM and remained posted continuously for at least 72 hours proceeding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary’s office at 254 742-3206 for further information

Camille Bowser, City Secretary



Office Use Only

Date: _____ Application # _____ Staff Review _____

P & Z Hearing: _____ Council Hearing: _____ Fees Paid (\$500) Receipt #: _____

PLEASE PRINT CLEARLY

Applicant Name: Robert D. Rice

Mailing Address: 659 Town Creek Rd. Unit A City: Kerrville State: Tx Zip: 78028

Phone: 832-707-1723 E-mail: rdaltonrice@gmail.com

OWNER'S INFORMATION

Property Owner: Robert D. Rice

Mailing Address: 37 Bluebonnet Loop City: MPR State: Tx Zip: 76513

Phone: 832-707-1723 E-mail: rdaltonrice@gmail.com

PROJECT SITE ADDRESS: _____

Legal description: Section 17 Block 1 Lot(s) 18, 49

Total Acreage or Square Footage: 1769 Deed recorded in: _____

Bell Cad Parcel ID: 30652/76913

SPECIFIC CONDITIONAL USE REQUEST: Short Term Rental

Applicant understands that the purpose of the Specific Use Permit (SUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a SUP, the requested use must be listed under "Specific Uses" within the applicable zoning district.

UTILITIES

Electric Provider: NEXT Energy

Last Septic Inspection Date: 4/2021



SPECIFIC USE PERMIT (SUP) SUBMITTAL CHECKLIST

- 2/26 Complete "Specific Use Permit" Application
- 2/26 Site plan / legal survey
- 2/26 Copy of the lease / HUD statement
- N/A Agent authorization to represent property owner (if applicable)
- N/A Letter of authorization from HOA (if applicable)
- Payment of application fee (credit card, check/money order, cash)

Office Use Only:

- Application Completed
- 200 ft. Certified Letter sent to entities no later than 11 days before P&Z meeting
- Notices to local newspapers sent
- Initial Septic Inspection Date: _____
- Initial Home Inspection Date: _____
- Public Hearing Date: _____
- P & Z Approval Date: _____
- Notices to local newspapers sent
- Council Scheduled Date: _____
- Council Approval Date: _____
- Final Inspection Date: _____
- Certificate of Occupancy Issue Date: _____



MY REQUEST IS BASED ON THE FOLLOWING:

- The use requested by the applicant is set forth as a conditional use in the zoning ordinance.
- The nature of the use is reasonable.
- The special use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
- The specific use permit does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the zoning ordinances are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand the City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent may delay the review of the Application. I authorize City of Morgan's Point Resort Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature:  Date: 2/26/2024



**ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED
IN A SHORT-TERM RENTAL SUP**

PROPERTY OWNER: Robert D. Rice
LOCATION OF PROPERTY: 37 Bluebonnet Loop
LEGAL DESCRIPTION: SECTION 17 BLOCK 1 LOT(S) 18/49
EXISTING USE: Single Family
HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

Sec. 15.4 Specific Use Permit Fees

No permit required by this article shall be issued until the fees prescribed in this section have been paid, nor shall any amendment to a permit be approved until the additional fees, if any, have been paid. The fee for Specific Use Permits Application shall be:

1. Upon applying for a Specific Use Permit: \$500.00 Application Fee
2. Upon Denial of a Specific Use Permit: 50% refund of the Specific Use Permit application fee

SF – Single-Family Residential and MF – Multifamily Residential

1. Bed and Breakfast Inn or Facility, Tourist Home or Short-Term Rental.
 - a) A maximum of 8 adults and 3 motor vehicles for a structure with 3 or more bedrooms.
 - b) A maximum of 6 adults and 2 motor vehicles for a structure with 2 bedrooms.
 - c) A maximum of 4 adults and 2 motor vehicles for a structure with only one bedroom.
 - d) A maximum of 2 household pets for each structure. Dogs, cats and domestic ferrets must be currently vaccinated (annually) for the rabies virus.

Initial R **OFF-STREET PARKING:** All parking will be off-street. 3 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 8 adult guest with 3 motor vehicles. Parking will be in these spaces only.

Sec. 3.02.013 Off-street parking spaces

For each building site in residential areas there shall be a minimum of two (2) off-street parking spaces on an improved surface, inclusive of the garage. The concrete apron from the roadway to the property line required by this article may be used to satisfy some or all of this requirement. (Ordinance 4-1, part I, sec. I(D), adopted 6/13/02; Ordinance adopting Code)



Sec. 12.04.001 Parking in right-of-way; obstructions in right-of-way

(a) Restrictions.

(1) Parking of trailers, motor homes or boats. The street right-of-way between the roadway and the property line of any property shall not be used for parking of travel trailers, motor homes, boats and/or trailers, whether or not attached to towing vehicles, for longer than 48 consecutive hours.

Sec. 12.04.002 Parking large vehicles in residential area; parking vehicle with motor or equipment running

(a) Parking large vehicles. A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semi-trailer, bus, trailer or a truck with more than two axles, rated capacity in excess of one and one-half tons or with a height of more than nine feet, according to the manufacturer's classification, in front of or forward of any building setback line (as shown by the property's plat or the zoning ordinance) and not upon an improved surface which has been inspected and approved by the city, upon property within a residential area.

(b) Parking vehicle with motor or equipment running. It shall be unlawful for any person owning or having control of any motor vehicle or trailer to park or leave standing said motor vehicle or trailer in a residential area with the motor or accessory equipment (such as a refrigeration unit) running.

Initial R **NOISE AND LIGHTING:** Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

Sec. 8.03.003 Specific noises prohibited

The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to create a noise such as reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity. No stationary loudspeaker or amplifier shall be operated on any weekday between the hours of 11:00 p.m. and 7:00 a.m., and no such stationary loudspeaker or amplifier shall be operated at any time on Sunday between the hours of 7:00 a.m. and 1:00 p.m.

NUMBER OF BEDROOMS: 3 **PROPOSED MAXIMUM OCCUPANCY:** 6 guests.

Initial R **OCCUPANT REGULATIONS AND GUIDELINES:** Guest Guidelines are attached hereto and made a part of the Specific Use Permit. The short-term rental shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.



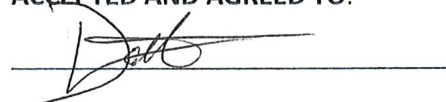
Initial R **PROPERTY MANAGEMENT:** Owner will provide guests and City police department with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as a non-owner-occupied short-term rental. The management company shall advise guests of the applicable conditions contained herein, receive, and pass on the owner any complaints received and at owner's direction act upon such complaints. (If owner occupied) The property shall be the owner's principal place of residence and the owner shall actively always supervise and manage the property that it is used as a short-term rental.

Initial R **MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles. No trash bags shall be left out in the open. The exterior of the rental and the landscaping, including lawns, will be always maintained in good condition.

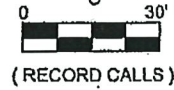
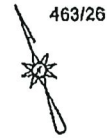
Initial R **REVOCATION:** The sup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

Initial R **OWNER COMPLIANCE:** Owners agree to comply with all City of Morgan's Point Resort Ordinances, and all state, county and City laws, rules and regulations.

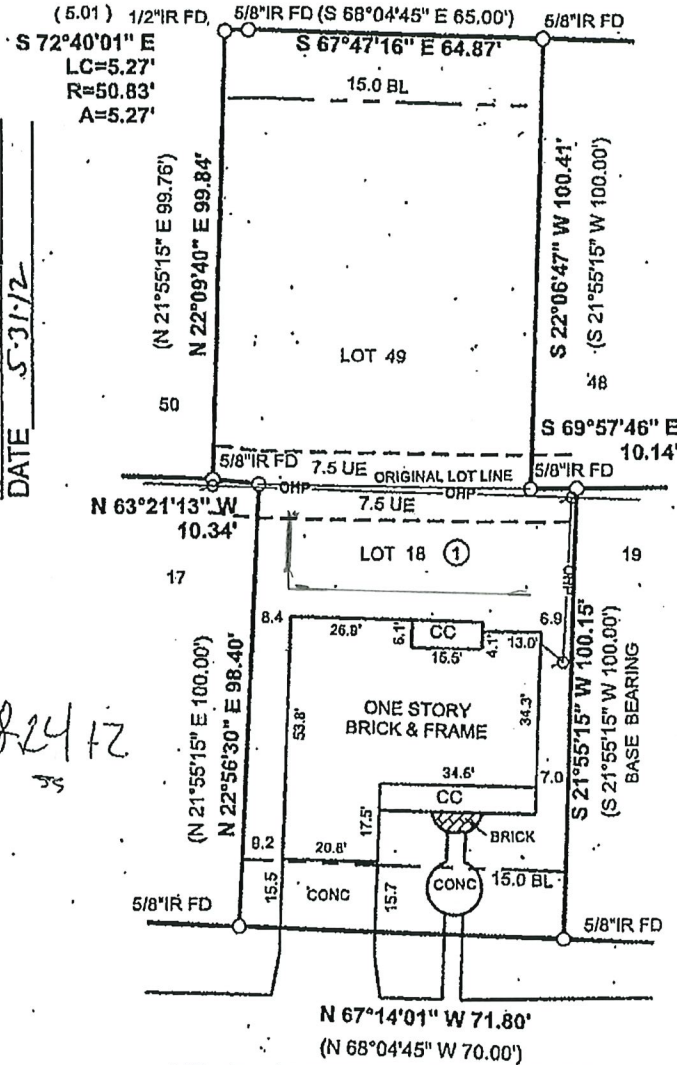
ACCEPTED AND AGREED TO:

 OWNER SIGNATURE	<u>Robert Rice</u> PRINT NAME	<u>2/26/2024</u> DATE
_____ OWNER SIGNATURE	_____ PRINT NAME	_____ DATE

HARMON & ASSOCIATES
 105 W. Veterans Memorial Blvd.
 Killeen, Texas 76541
 (254) 634-8877



BUTTERCUP STREET



SURVEY EXAMINED AND
 ACCEPTED BY PURCHASERS
Madd Robert Gutz

DATE 8/24/18

SURVEY EXAMINED AND
 ACCEPTED BY PURCHASERS
[Signature]

DATE 5-31-12

8/24/12
 35

37 BLUEBONNET LOOP

This survey is for the exclusive use of Russell Gholson & Laura Gholson, First Community Mortgage and Monteith Abstract & Title GF # 12-1737 and may not be used for any other transaction.

Lots Eighteen (18) and Forty Nine (49), Block One (1), MORGAN'S POINT RESORT CITY, SECTION - 17, in Bell County, Texas, according to the plat of record in Cabinet A, Slide 250-C, Plat Records of Bell County, Texas. Bearings are based on the recorded plat.

STATE OF TEXAS * KNOW ALL MEN BY THESE PRESENTS, that I, BRUCE M. HARMON, Registered Professional Land Surveyor, do hereby certify that I did cause
 COUNTY OF BELL * to be surveyed on the ground the tract shown hereon. This document is not valid without an original signature.

IN WITNESS THEREOF, my hand and seal this the 25th day of May, 2012.



[Signature]
 Bruce M. Harmon
 Registered Professional Land Surveyor, No. 4482
 © Copyright

Closing Disclosure

This form is a statement of final loan terms and closing costs. Compare this document with your Loan Estimate.

Closing Information

Date Issued 4/5/2021
Closing Date 4/5/2021
Disbursement Date 4/5/2021
Settlement Agent Monteith Abstract & Title
File # 21-0720
Property 37 BLUEBONNET LOOP
 MORGANS POINT, TX
Sale Price \$241,400

Transaction Information

Borrower Robert Dalton Rice and Dyana Krystene Rice
 12103 Obsidian Ln
 Mont Belvieu, TX 77535
Seller Michael Robert Smith
 37 BLUEBONNET LOOP
 Morgans Point, TX 76513
Lender Guaranteed Rate, Inc

Loan Information

Loan Term 30 years
Purpose Purchase
Product Fixed Rate
Loan Type Conventional FHA
 VA
Loan ID # 213485756
MIC # 49-49-6-1548321

Loan Terms	Can this amount increase after closing?	
Loan Amount	\$241,400	NO
Interest Rate	2.375 %	NO
Monthly Principal & Interest <i>See Projected Payments below for your Estimated Total Monthly Payment</i>	\$938.21	NO
Prepayment Penalty	Does the loan have these features?	
	NO	
Balloon Payment	NO	

Projected Payments	Years 1-30	
Payment Calculation		
Principal & Interest		\$938.21
Mortgage Insurance	+	0
Estimated Escrow <i>Amount can increase over time</i>	+	467.41
Estimated Total Monthly Payment	\$1,405.62	
Estimated Taxes, Insurance & Assessments <i>Amount can increase over time See page 4 for details</i>	\$469.91 Monthly	This estimate includes <input checked="" type="checkbox"/> Property Taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input checked="" type="checkbox"/> Other: HOA Dues <i>See Escrow Account on page 4 for details. You must pay for other property costs separately.</i>
		In escrow? YES YES NO

Costs at Closing		
Closing Costs	\$7,412.13	Includes \$3,625.76 in Loan Costs + \$3,786.37 in Other Costs - \$0 in Lender Credits. <i>See page 2 for details.</i>
Cash to Close	\$2,246.29	Includes Closing Costs. <i>See Calculating Cash to Close on page 3 for details.</i>

Calculating Cash to Close

Use this table to see what has changed from your Loan Estimate.

	Loan Estimate	Final	Did this change?
Total Closing Costs (J)	\$7,424.00	\$7,412.13	YES · See Total Loan Costs (D) and Total Other Costs (I).
Closing Costs Paid Before Closing	\$0	\$0	NO
Closing Costs Financed (Paid from your Loan Amount)	\$0	\$0	NO
Down Payment/Funds from Borrower	\$0	\$0	NO
Deposit	-\$2,500.00	-\$2,500.00	NO
Funds for Borrower	\$0	\$0	NO
Seller Credits	-\$1,477.00	\$0	YES · See Seller-Paid column on page 2 and Seller Credits in Section L.
Adjustments and Other Credits	\$0	-\$2,665.84	YES · See details in Section L.
Cash to Close	\$3,447.00	\$2,246.29	

Summaries of Transactions

Use this table to see a summary of your transaction.

BORROWER'S TRANSACTION

K. Due from Borrower at Closing	\$248,812.13
01 Sale Price of Property	\$241,400.00
02 Sale Price of Any Personal Property Included in Sale	
03 Closing Costs Paid at Closing (J)	\$7,412.13
04	
Adjustments	
05	
06	
07	
Adjustments for Items Paid by Seller in Advance	
08 City/Town Taxes to	
09 County Taxes to	
10 Assessments to	
11	
12	
13	
14	
15	
L. Paid Already by or on Behalf of Borrower at Closing	\$246,565.84
01 Deposit	\$2,500.00
02 Loan Amount	\$241,400.00
03 Existing Loan(s) Assumed or Taken Subject to	
04	
05 Seller Credit	
Other Credits	
06	
07	
Adjustments	
08 Adjustment tot title	\$1,477.00
09 Option Fee	\$100.00
10	
11	
Adjustments for Items Unpaid by Seller	
12 City/Town Taxes to	
13 County Taxes 01/01/21 to 04/05/21	\$1,088.84
14 Assessments to	
15	
16	
17	

CALCULATION

Total Due from Borrower at Closing (K)	\$248,812.13
Total Paid Already by or on Behalf of Borrower at Closing (L)	-\$246,565.84
Cash to Close <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	\$2,246.29

SELLER'S TRANSACTION

M. Due to Seller at Closing	\$241,400.00
01 Sale Price of Property	\$241,400.00
02 Sale Price of Any Personal Property Included in Sale	
03	
04	
05	
06	
07	
08	
Adjustments for Items Paid by Seller in Advance	
09 City/Town Taxes to	
10 County Taxes to	
11 Assessments to	
12	
13	
14	
15	
16	
N. Due from Seller at Closing	\$163,157.27
01 Excess Deposit	
02 Closing Costs Paid at Closing (J)	\$13,465.65
03 Existing Loan(s) Assumed or Taken Subject to	
04 Payoff of First Mortgage Loan	\$147,025.78
05 Payoff of Second Mortgage Loan	
06	
07	
08 Seller Credit	
09	
10 Adjustment tot title	\$1,477.00
11 Option Fee	\$100.00
12	
13	
Adjustments for Items Unpaid by Seller	
14 City/Town Taxes to	
15 County Taxes 01/01/21 to 04/05/21	\$1,088.84
16 Assessments to	
17	
18	
19	

CALCULATION

Total Due to Seller at Closing (M)	\$241,400.00
Total Due from Seller at Closing (N)	-\$163,157.27
Cash <input type="checkbox"/> From <input checked="" type="checkbox"/> To Seller	\$78,242.73

Loan Calculations

Total of Payments. Total you will have paid after you make all payments of principal, interest, mortgage insurance, and loan costs, as scheduled.	\$341,788.58
Finance Charge. The dollar amount the loan will cost you.	\$98,003.02
Amount Financed. The loan amount available after paying your upfront finance charge.	\$239,751.34
Annual Percentage Rate (APR). Your costs over the loan term expressed as a rate. This is not your interest rate.	2.427 %
Total Interest Percentage (TIP). The total amount of interest that you will pay over the loan term as a percentage of your loan amount.	40.084 %

Questions? If you have questions about the loan terms or costs on this form, use the contact information below. To get more information or make a complaint, contact the Consumer Financial Protection Bureau at www.consumerfinance.gov/mortgage-closing

Other Disclosures

Appraisal

If the property was appraised for your loan, your lender is required to give you a copy at no additional cost at least 3 days before closing. If you have not yet received it, please contact your lender at the information listed below.

Contract Details

See your note and security instrument for information about

- what happens if you fail to make your payments,
- what is a default on the loan,
- situations in which your lender can require early repayment of loan, and
- the rules for making payments before they are due.

Liability after Foreclosure

If your lender forecloses on this property and the foreclosure does not cover the amount of unpaid balance on this loan,

- state law may protect you from liability for the unpaid balance. If you refinance or take on any additional debt on this property, you may lose this protection and have to pay any debt remaining even after foreclosure. You may want to consult a lawyer for more information.
- state law does not protect you from liability for the unpaid balance.

Refinance

Refinancing this loan will depend on your future financial situation, the property value, and market conditions. You may not be able to refinance this loan.

Tax Deductions

If you borrow more than this property is worth, the interest on the loan amount above this property's fair market value is not deductible from your federal income taxes. You should consult a tax advisor for more information.

Contact Information

	Lender	Mortgage Broker	Real Estate Broker (B)	Real Estate Broker (S)	Settlement Agent
Name	Guaranteed Rate, Inc		Mary Jane Roach Realty	Mary Jane Roach Realty	Monteith Abstract & Title Company, Inc
Address	700 Lake Road Suite B & C Belton, TX 76513		5116C S Gen Bruce Dr Temple, TX 76502	5116 S Gen Bruce Dr Temple, TX 76502	2010 Bird Creek Drive, Ste. 102 Temple, TX 76502
NMLS ID	2611				
TX License ID	Licensed		9006428	9006428	TX1885293
Contact	Samantha Crumbaugh		Mary Jane Roach	Mary Jane Roach	Betty Sue Lovett
Contact NMLS ID	405396				
Contact TX License ID	TX - Licensed		521920	521920	TX1306100
Email	samantha.jackson@rate.com		maryjaneroach@yahoo.com	maryjaneroach@yahoo.com	susie.lovett@monteithtitle.com
Phone	254-624-4307		254-721-0017	254-721-0017	254-773-9035

Confirm Receipt

By signing, you are only confirming that you have received this form. You do not have to accept this loan because you have signed or received this form.




Robert Dalton Rice Date 4/5/21 Dyana Krystene Rice Date 4/5/21



Robert Rice
37 Bluebonnet Loop

212

68-7497/2560

3/9/2024

DATE

PAY TO THE
ORDER OF

Morgan's Point Resort

\$ 500.00

Five Hundred and 00/100

DOLLARS



Photo
Safe
Deposit®
Details on back

**NAVY
FEDERAL**

Credit Union

FOR STR Application

[Signature]

⑆ 256074974⑆ 0212 7145818253⑆ 001

TRANSIT ROUTING NUMBER

CHECK NUMBER

ACCOUNT NUMBER

Section 1. Enacting Clause.

THAT ZONING ORDINANCES 4-1(a)(1), 4-2, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-13, 4-14, 4-15, 4-16, 4-17, 4-18, 4-19, 4-21, 4-22, and 14-13, OF THE CITY OF MORGAN'S POINT RESORT, TEXAS, TOGETHER WITH ALL AMENDMENTS THERETO BE HEREBY REPEALED AND THAT THERE BE ENACTED IN LIEU THEREOF ORDINANCE NUMBER 4-32, A COMPREHENSIVE ZONING ORDINANCE, TOGETHER WITH A MAP CREATING AND DELINEATING SPECIFIC ZONING DISTRICTS, IN WHICH THE OFFICIAL ZONING MAP DEFINES THE BOUNDARIES OF EACH USE DISTRICT.

Section 2. Purpose.

The zoning regulations and Districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(Ord. No. 4-32, 10-9-03)

Section 23. Planning and Zoning Commission.

23.1 Created; Membership. There is hereby created a Planning and Zoning Commission, hereinafter referred to as "P&Z", in accordance with V.T.C.A., Local Government Code § 211.007, the P&Z shall consist of seven (7) members, each of whom shall be a resident of the City, who are at least eighteen years old and shall be selected for their unselfish interest in the City's affairs. Members shall be appointed by the City Council for a term of two (2) years. Of the seven (7) members, four (4) shall serve a half term of one (1) year following initial appointment and three (3) shall serve a regular term of two (2) years following initial appointment. Thereafter, all seven (7) members shall serve a regular term of two (2) years. Regular terms shall start on October 1 and end on September 30 two years later. Vacancies shall be filled by appointments for unexpired terms only. For potential members to be considered for appointment, each must complete the City's application for employment as it exists at the time, and may attach a cover letter and resume, which shall be filed with the City Secretary for processing. Members may be removed from office at any time by a majority vote of the City Council for neglect of duty, malfeasance in office or for any action the City Council deems detrimental to the best interest of the City. All members shall serve without pay. Members shall be present for seventy-five percent (75%) of the scheduled meetings of their current, appointed

term or shall be subject to removal from P&Z. In the event a P&Z member fails to attend the required percentage of meetings, the P&Z Chair shall notify the City Council of the failure to meet attendance requirements. The city Secretary, or a designee, shall keep minutes of all meetings held by the Commission and full record of all recommendations to be made by P&Z to the City Council. A Chair and Vice-chair shall be elected by P&Z from its membership.

23.2 Quorum; Voting. Four members of P&Z shall constitute a quorum, and all members, including the presiding chair, shall have the right of one vote each, a quorum being present. All actions by P&Z shall be by a majority vote of those members present. If any member has a conflict of interest in review of any item on P&Z's agenda, they shall refrain from voting only on the item for which a conflict exists.

23.3 Meetings. P&Z shall meet at such times at a location designated by the Chair, or Vice-Chair in the absence of the Chair, and at such intervals as may be necessary to orderly and properly transact the business of P&Z.

23.4 Duties and Responsibilities. As a minimum, the functions and responsibilities of P&Z should be as follows:

1. Responsible for updating zoning ordinances...
2. Responsible for updating the subdivision regulations as needed.
3. Verify all property owners and residents within 200 feet of the property for which change in zoning is proposed have been notified by City Staff.
4. Every five years, review all zoning regulations and propose to the City Council any needed changes resulting from the review.
5. Receive all requests for changes in zoning or variances from zoning regulations and make appropriate recommendations to the City Council.
6. Provide direction to City Staff and the public as needed to assist them in administration of the zoning or subdivision of property.
7. Be guided by the most recently adopted Comprehensive Plan in deliberation on proposals for change in zoning or subdivision regulations.
8. Review and propose action to the City Council on all proposals for subdividing property in the City and in the ETJ of the City.

23.5 Procedure on Zoning Hearings. The procedure and process for zoning changes and/or amendments shall be in accordance with Section 24.

(Ord. No. 2019-10, § 5, 8-20-19)

State law reference(s)—Authority of municipality to establish planning and zoning Commission, V.T.C.A., Local Government Code § 211.007.

Section 24. Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures.

24.1 Declaration of Policy. The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulation or map.
2. To recognize changed or changing conditions or circumstances in a particular locality.
3. To recognize changes in technology, the style of living, or manner of conducting business.

24.2 Authority to Amend Ordinance.

- A. The City Council may from time to time, after receiving a final report thereon from P&Z, and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any ordinances, regulations or Zoning District boundary amendment may be considered by the City Council, be initiated by P&Z, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the City Council act upon any zoning request prior to action by P&Z.
- B. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by P&Z, or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.
- C. Each application for zoning, or for an amendment or change to the existing provisions of this Zoning Ordinance, shall be made in writing on a form suitable to P&Z and shall be filed with the City, and shall be accompanied by payment of the appropriate fees as established by the City of Morgan's Point Resort, Texas, and on file with the City Secretary.

24.3 Public Hearing and Notice. Prior to making its report to the City Council, P&Z shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries or other changes to district zoning regulations shall be sent to all owners of property or to the person rendering the same for the City taxes, affected by the application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address listed in the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notices for the public hearing for changes to the ordinance before the

City Council will also be sent to affected property owners at the same time notice of the P&Z hearing is sent. Notice for proposed changes in a zoning classification affecting residential or multifamily zoning shall also be sent to each school district in which the property for the proposed change is located.

24.4 Failure to Appear. Failure of the applicant or his representative to appear before P&Z or City Council for more than one hearing without an approved delay shall constitute sufficient grounds for P&Z to terminate or deny the application.

24.5 P&Z Consideration and Report. P&Z, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request, and of the relationship of the request to the Comprehensive Plan. P&Z may defer its report for not more than ninety (90) days from the time it is posted on the agenda until it has had the opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, P&Z shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or will not be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- F. Any other factors which will substantially affect the health, safety, or general welfare.

24.6 City Council Consideration.

- A. Proposal Recommended for Approval by P&Z: Every proposal which is recommended favorably by P&Z shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- B. Proposal Recommended for Denial by P&Z: When P&Z determines that a proposal should be denied, it shall so report and recommend unfavorably to the City Council and notify the applicant. If the proposal is denied by P&Z, the request shall not be considered by the City Council unless the applicant requests an appeal in writing to

the City Council or the request is sent for review by P&Z by simple majority vote. When a proposed zoning request is heard by the City Council that has been denied by P&Z, a three-fourths ($\frac{3}{4}$) majority vote by the City Council shall be required for approval. A request which has been denied by P&Z and/or City Council may be resubmitted at any time for reconsideration by the City, accompanied by a new filing fee. The City Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.

- C. City Council Hearing and Notice: Notice of City Council hearing shall be given by publication at the same time notice is given for the P&Z public hearing in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
- D. Three-fourths Vote: A favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of the State laws commonly referred to as the "twenty percent (20%) rule." If a protest against such proposed amendments, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths ($\frac{3}{4}$) vote of the City Council.
- E. Final Approval and Ordinance Adoption: Upon submittal of the zoning request to the City Council, the applicant shall submit a metes and bounds description to the City for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. The amending ordinance will not be approved until a correct description has been prepared for the amending ordinance.

Section 1. Enacting Clause.

THAT ZONING ORDINANCES 4-1(a)(1), 4-2, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-13, 4-14, 4-15, 4-16, 4-17, 4-18, 4-19, 4-21, 4-22, and 14-13, OF THE CITY OF MORGAN'S POINT RESORT, TEXAS, TOGETHER WITH ALL AMENDMENTS THERETO BE HEREBY REPEALED AND THAT THERE BE ENACTED IN LIEU THEREOF ORDINANCE NUMBER 4-32, A COMPREHENSIVE ZONING ORDINANCE, TOGETHER WITH A MAP CREATING AND DELINEATING SPECIFIC ZONING DISTRICTS, IN WHICH THE OFFICIAL ZONING MAP DEFINES THE BOUNDARIES OF EACH USE DISTRICT.

Section 2. Purpose.

The zoning regulations and Districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(Ord. No. 4-32, 10-9-03)

Section 23. Planning and Zoning Commission.

23.1 Created; Membership. There is hereby created a Planning and Zoning Commission, hereinafter referred to as "P&Z", in accordance with V.T.C.A., Local Government Code § 211.007, the P&Z shall consist of seven (7) members, each of whom shall be a resident of the City, who are at least eighteen years old and shall be selected for their unselfish interest in the City's affairs. Members shall be appointed by the City Council for a term of two (2) years. Of the seven (7) members, four (4) shall serve a half term of one (1) year following initial appointment and three (3) shall serve a regular term of two (2) years following initial appointment. Thereafter, all seven (7) members shall serve a regular term of two (2) years. Regular terms shall start on October 1 and end on September 30 two years later. Vacancies shall be filled by appointments for unexpired terms only. For potential members to be considered for appointment, each must complete the City's application for employment as it exists at the time, and may attach a cover letter and resume, which shall be filed with the City Secretary for processing. Members may be removed from office at any time by a majority vote of the City Council for neglect of duty, malfeasance in office or for any action the City Council deems detrimental to the best interest of the City. All members shall serve without pay. Members shall be present for seventy-five percent (75%) of the scheduled meetings of their current, appointed

term or shall be subject to removal from P&Z. In the event a P&Z member fails to attend the required percentage of meetings, the P&Z Chair shall notify the City Council of the failure to meet attendance requirements. The city Secretary, or a designee, shall keep minutes of all meetings held by the Commission and full record of all recommendations to be made by P&Z to the City Council. A Chair and Vice-chair shall be elected by P&Z from its membership.

23.2 Quorum; Voting. Four members of P&Z shall constitute a quorum, and all members, including the presiding chair, shall have the right of one vote each, a quorum being present. All actions by P&Z shall be by a majority vote of those members present. If any member has a conflict of interest in review of any item on P&Z's agenda, they shall refrain from voting only on the item for which a conflict exists.

23.3 Meetings. P&Z shall meet at such times at a location designated by the Chair, or Vice-Chair in the absence of the Chair, and at such intervals as may be necessary to orderly and properly transact the business of P&Z.

23.4 Duties and Responsibilities. As a minimum, the functions and responsibilities of P&Z should be as follows:

1. Responsible for updating zoning ordinances...
2. Responsible for updating the subdivision regulations as needed.
3. Verify all property owners and residents within 200 feet of the property for which change in zoning is proposed have been notified by City Staff.
4. Every five years, review all zoning regulations and propose to the City Council any needed changes resulting from the review.
5. Receive all requests for changes in zoning or variances from zoning regulations and make appropriate recommendations to the City Council.
6. Provide direction to City Staff and the public as needed to assist them in administration of the zoning or subdivision of property.
7. Be guided by the most recently adopted Comprehensive Plan in deliberation on proposals for change in zoning or subdivision regulations.
8. Review and propose action to the City Council on all proposals for subdividing property in the City and in the ETJ of the City.

23.5 Procedure on Zoning Hearings. The procedure and process for zoning changes and/or amendments shall be in accordance with Section 24.

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1. To correct any error in the regulation or map.
2. To recognize changed or changing conditions or circumstances in a particular locality.
3. To recognize changes in technology, the style of living, or manner of conducting business.

24.2 Authority to Amend Ordinance.

- A. The City Council may from time to time, after receiving a final report thereon from P&Z, and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any ordinances, regulations or Zoning District boundary amendment may be considered by the City Council, be initiated by P&Z, or be requested by the owner of real property, or the authorized representative of an owner of real property. In no case shall the City Council act upon any zoning request prior to action by P&Z.
- B. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by P&Z, or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.
- C. Each application for zoning, or for an amendment or change to the existing provisions of this Zoning Ordinance, shall be made in writing on a form suitable to P&Z and shall be filed with the City, and shall be accompanied by payment of the appropriate fees as established by the City of Morgan's Point Resort, Texas, and on file with the City Secretary.

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City Council will also be sent to affected property owners at the same time notice of the P&Z hearing is sent. Notice for proposed changes in a zoning classification affecting residential or multifamily zoning shall also be sent to each school district in which the property for the proposed change is located.

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- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or will not be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- F. Any other factors which will substantially affect the health, safety, or general welfare.

24.6 City Council Consideration.

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