



City of Morgan's Point Resort

Agenda

City Council Regular Session

Tuesday, November 12, 2024

6:00 PM

MPR EVENT CENTER – 60
Morgan's Point Blvd

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

Call to Order

Invocation

Pledge of Allegiance

Presentations

1. **PR-24-005** Department head quarterly presentations

Administrative Services

MPR Fire Department

Citizen Comments on Agenda Items

This is an opportunity for members of the public to suggest the addition of topics for the discussion, or to address topics of interest, with the presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. All speakers will be recognized prior to speaking and will announce their name and address to be included in the minutes. State law prohibits the Mayor and Members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law.

Consent Agenda

All items under this heading are considered to be routine and may be enacted by one motion, unless the Mayor or a Councilmember requests that an item be removed for separate discussion. Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

2. **MN-24-016** Consider Minutes of Regular City Council Meeting of October 7, 2024
3. **MN-24-017** Consider Minutes of Regular City Council Meeting of October 30, 2024

Resolutions

4. **RS-24-039** Consider a memorandum/resolution of votes cast to elect directors for the Tax Appraisal District of Bell County for the year 2025

Public Hearings

Ordinances

- 5. **OR-24-010** Consider an ordinance to update/amend City of Morgan’s Point Resort Code of Ordinances Chapter 2, Article 2.03 Animals Other Than Household Pets
- 6. **OR-24-011** Consider an ordinance updating City of Morgan’s Point Resort Code of Ordinances Appendix B Section 3 Definitions
- 7. **OR-24-012** Consider a ordinance adopting Waste Management rate increase

Adjournment

I certify that a copy of the __11-12-2024__ 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 __11-8-2024__ 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. Request for accommodations 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

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting(s), this notice is being posted to meet the requirements of the Texas Open Meetings Act subsequent opinions of the Texas Attorney General’s Office. No official action will be taken by Council.

LADIES AUXILIARY:	Dead Fish Grill, November 14, 2024, at 6:00PM Bake Sale & Hobbyist Crafts, Community Center, November 23, 2024 at 8:00 AM
PLANNING & ZONING:	Community Center, November 26, 2024, at 6:00PM
MPR COPS:	Community Center, November 21, 2024, at 7:00PM
COFFEE WITH COUNCIL MEMBER:	Mary Ruth Briggs Library, November 15, 2024, at 8:00 AM
LIBRARY 6TH ANNUAL ART SHOW:	Mary Ruth Briggs Library, November 15, 2024 - November 17, 2024, at 9:00 AM



City of Morgan's Point Resort

Minutes

City Council Regular Session

Monday, October 07, 2024

6:00 PM

MPR EVENT CENTER – 60
Morgan's Point Blvd

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

Call to Order

Meeting called to order by Mayor Pro-Tem, Roxanne Stryker, at 6:02 PM

PRESENT

Dorothy Allyn
Jimbo Snyder
Pat Clune
Roxanne Stryker
Stephen Bishop

ABSENT

Dennis Green

Invocation

Invocation led by councilmember, Stephen Bishop

Pledge of Allegiance

Pledges led by councilmember, Stephen Bishop

Notice of Meetings

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LADIES AUXILIARY: Community Center, October 10, 2024, @ 5:00PM

COMMUNITY FORUM: Community Center, October 15, 2024, @ 6:00PM

MPR COPS: Community Center, October 17, 2024, @ 7:00PM

COFFEE WITH A COUNCILMEMBER: Library, October 11, 2024 from 8am to 10am

COMMUNITY BARBECUE: Ansay Park October 18th and 19th at

Citizen Comments on Agenda Items

This is an opportunity for members of the public to suggest the addition of topics for the discussion, or to address topics of interest, with the presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. All speakers will be recognized prior to speaking and will announce their name and address to be included in the minutes. State law prohibits the Mayor and Members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law.

Larry Hartman, 112 Great West Loop, MPR - Spoke in regards to 2483 sidewalk and complimented BJ and his team for their clean-up efforts

(Video 1:02:38)

Presentations

1. **PR-24-004** Department head quarterly presentations

Presentations given by:

Public Works Director, BJ Scheible

Utilities Director, Jesse Measles

Communications Coordinator, Suzannah Bowden

Police Chief, Matthew Schuetze

(Video 1:06:17)

Consent Agenda

All items under this heading are considered to be routine and may be enacted by one motion, unless the Mayor or a Councilmember requests that an item be removed for separate discussion. Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

Item 5. was pulled from Consent Agenda for further discussion by councilmember Allyn

(Video 1:44:30)

2. **MN-24-015** Consider Minutes of Regular City Council Meeting of September 10, 2024

3. **RS-24-029** Consider a memorandum/resolution to authorize the City Manager to purchase a 3500 Silverado Reg Cab LWB 4WD Utility Truck for public utilities department

4. **RS-24-030** Consider a memorandum/resolution to authorize the City Manager to purchase a CAT 30KW Diesel Generator for public utilities facility

6. **RS-24-032** Consider a memorandum/resolution authorizing the city manager to renew electricity contract with GEXA
7. **RS-24-033** Consider a memorandum/resolution to appoint members of the Planning and Zoning Commission to their new terms
8. **RS-24-034** Consider a memorandum/resolution to award Request for Proposal number 24-01 for debris monitoring services to Debristech and authorize the city manager to execute a five-year contract for said services
9. **RS-24-035** Consider a memorandum/resolution to award Request for Proposal number 24-02 for disaster and/or storm recovery services to Ceres Environmental Services and authorize the city manager to execute a five-year contract for said services

Motion made to approve items: 2. MN-24-015, 3. RS-24-029, 4. RS-24-030, 6. RS-24-032, 7. RS-24-033, 8. RS-24-034, and 9. RS-24-035 on Consent Agenda

Motion made by Allyn, Seconded by Snyder.
Voting Yea: Clune, Stryker, Bishop

Passed

5. **RS-24-031** Consider a memorandum/resolution authorizing the city manager to sign advanced funding agreement with TxDot for shared use path along FM 2483/Morgan's Point Road

Motion made to approve item 5. RS-24-031

Motion made by Clune, Seconded by Bishop.
Voting Yea: Snyder, Stryker

Abstaining: Allyn asserted documents are inconsistent with verbal understandings of the city manager.

Passed

Resolutions

10. **RS-24-036** Consider a memorandum/resolution to adopt an Investment Policy in accordance with Texas Government Code Chapters 2256 (the "Public Funds Investment Act") and 2257 (the "Public Funds Collateral Act")

Motion made to adopt RS-24-036

Motion made by Allyn, Seconded by Snyder.
Voting Yea: Clune, Stryker, Bishop

Passed

11. **RS-24-037** Consider a memorandum/resolution to adopt a Procurement Policy and Procedures Manual

Motion made to adopt RS-24-037

Motion made by Snyder, Seconded by Bishop.
Voting Yea: Allyn, Clune, Stryker

Passed

Public Hearings

N/A

Ordinances

12. OR-24-010 Consider an ordinance to update/amend city's residential fowl ordinance

13. OR-24-011 Consider an ordinance updating ordinance definitions

OR-24-010 and OR-24-011 were tabled for Planning and Zoning to consider the proposed changes and will be added to November's agenda

(Video 2:05:04)

Executive Session

The City Council reserves the right to adjourn, to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.

Adjourned into Executive Session at 7:30 PM

Reconvened into regular session at 9:12 PM

Discussion and possible action resulting from Executive Session.

No action taken

Adjournment

All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personal Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

Meeting adjourned at 9:12 PM

I certify that a copy of the ____10-7-2024____ 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 __10-4-2024_ 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. Request for accommodations 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.

Roxanne Stryker, Mayor Pro-Tem
City of Morgan's Point Resort

ATTEST:

Camille Bowser, City Secretary

DRAFT



City of Morgan's Point Resort

Minutes

City Council Special Session

Wednesday, October 30, 2024

5:00 PM

Mary Ruth Briggs Library
(City Hall) – 8 Morgan's Point
Blvd

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

1. Call to Order

Meeting called to order at 5:03 P.M. by Mayor Pro Tem, Roxanne Stryker

PRESENT

Dorothy Allyn
Jimbo Snyder
Roxanne Stryker
Stephen Bishop

ABSENT

Pat Clune
Dennis Green

2. Announcement and Citizen Comments

This is an opportunity for members of the public to suggest the addition of topics for the discussion, or to address topics of interest, with the presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. All speakers will be recognized prior to speaking and will announce their name and address to be included in the minutes. State law prohibits the Mayor and Members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law.

No citizen comments

3. Agenda

- a. RS-24-038** - Consider a memorandum/resolution supporting the Central Texas Water Alliance to secure our water future and addressing the pressing needs of growth, development, and public safety.

Staff Comments: City Manager, Dennis Baldwin, provided additional information and was available to answer questions

Motion was made to approve RS-24-038

Motion made by Allyn, Seconded by Bishop.
Voting Yea: Snyder, Stryker

Motion carried unanimously (4-0)

4. Executive Session

The City Council reserves the right to adjourn, to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.

N/A

5. Discussion and possible action resulting from Executive Session.

N/A

6. Adjourn

All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personal Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

Meeting adjourned at 5:07 P.M.

I certify that a copy of the _10-30-2024_ 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 ___10-25-2024__ at 5:00PM and remained posted continuously for at least 72 hours proceeding with 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.

Roxanne Stryker, Mayor Pro Tem
City of Morgan's Point Resort

ATTEST:

Camille Bowser, City Secretary
City of Morgan's Point Resort

RESOLUTION NO. 24-039

A RESOLUTION OF THE CITY COUNCIL OF MORGAN’S POINT RESORT, BELL COUNTY, TEXAS, CASTING VOTES TO ELECT DIRECTORS FOR THE TAX APPRAISAL DISTRICT OF BELL COUNTY FOR THE YEAR 2025.

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote, cast their vote by Resolution and submit the results of that vote to the Chief Appraiser of the Tax Appraisal District of Bell County District before December 15th, 2024.

THEREFORE, the City Council of the City of Morgan’s Point Resort, Bell County Texas, submits the attached Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the Tax Appraisal District of Bell County District for 2025.

PASSED AND APPROVED this the _____ day of _____, 2024 by ____ (ayes) to ____ (nays) to ____ (abstentions) vote of the City Council of the City of Morgans Point Resort, Texas.

Dennis Green, Mayor
City of Morgans Point Resort

ATTEST:

Camille Bowser, City Secretary
City of Morgan’s Point Resort



Tax Appraisal District of Bell County

BOARD OF DIRECTORS NOMINEES

INSTRUCTION NOTE:

Indicate your vote for the candidate or candidates of your choice by placing the number of votes in the blank beside the candidate or candidates' name.

ENTITY _____ **NUMBER OF VOTES** _____

_____ **BANKS, JOHN**
_____ **BILBERRY, JAMES "LYNN"**
_____ **BURNETT, JOE**
_____ **BRYAN, JARED**
_____ **FULCHER, SAM**
_____ **JONES, SUSAN**
_____ **RAINWATER, MARVIN**
_____ **SCOTT, TODD**
_____ **WELLS, KENNY**

ATTEST:

Signature

Date

Cary Erskine

From: Tax Appraisal District of Bell County <billy.white@bellcad.org>
Sent: Tuesday, October 29, 2024 5:21 PM
To: Cary Erskine
Subject: IMPORTANT: Board of Director Entity Election / Appointments

CAUTION: 'This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!'



Bell County Tax Appraisal District

BOD Entity Appointment/Election

Bell CAD Board of Director Selections

Please click on the link below to download the official ballot for the Bell CAD Board of Directors.

Note: You may need to right-click on items not showing up to and click download pictures for full functionality.

Deadlines to Return Ballot with Resolution:

- All larger entities (those that have more than 5% of the vote) are required to send the ballot by resolution no later than 3 days after the first or second open meeting after receiving the ballot. This applies to: Bell County, Killeen ISD, Temple ISD, Belton ISD, City of Killeen, and the City of Temple.
- All other entities are required to have the ballot returned no later than December 15th.

There are 5,000 total votes. Each entity will receive a percentage of votes based on the percentage of total tax levy they have. (These are listed in the below table). Entities can spread their total votes however they choose.

The 5 candidates that receive the most votes will be appointed as BOD members in January 2025.

I have also included a sample ballot from Williamson County that shows how votes can be allocated.

I have included any bios we have received for current nominations and will forward any more we receive in the future.

If you still have questions, and/or would like for us to meet with you and/or your governing body, please reach out to myself or Tammy Hubnik ASAP.

[Click Here for Official Ballot](#)

[Click Here for Sample Resolution](#)

[BIOS for Nominations](#)

Current BOD Members (with year began service)

Appointed by Entities:

Jared Bryan - 2012 -Chairman -
All Other Entities

Marvin Rainwater - 2022 -
Killeen ISD

Sam Fulcher - 2022 -City of
Temple
Dick Young - 2023 -City of
Killeen

Todd Scott - 2024 -Belton
ISD/City of Belton

Joe Burnett - 2024 -Bell County

Elected:

Kevin Koch - 2020 -Vice
Chairman/Secretary - Place 1

Gopal Guttikonda - Place 2

Ashley Smith - Place 3

Shay Luedeke - Tax Assessor /
Collector

Nominated Candidates for Entity Ballot

Jared Bryan
Marvin Rainwater
Sam Fulcher
Todd Scott
John Banks

Joe Burnett
Susan Jones
Kenny Wells
James "Lynn" Bilberry

Sample Ballot with allocated Votes

~~Williamson Central Appraisal District~~

Board of Directors Nominees

~~Official Ballot 2023~~

INSTRUCTION NOTE:

Indicate your vote for the candidate or candidates of your choice by placing the number of votes in the blank beside the candidate or candidates name.

ENTITY Hutto ISD NUMBER OF VOTES 245

ATKINSON, JOSHUA	<u>82</u>
GIBBS, HARRY	<u> </u>
HISLE-PIPER, HOPE	<u> </u>
LUX, JON	<u> </u>
MOSES, MASON	<u> </u>
VON PFEIL, RICK	<u>82</u>
WEBER, LORA	<u>81</u>
WEI, MICHAEL	<u> </u>

ATTEST:

Blogudice
Signature

11/9/23
Date

Tax Appraisal of Bell County District
Taxing Unit Allocation Schedule
Based on 2023 Tax Levies

	2023		2025
Tax Unit	Levy Bell CAD	Percent of Total Levy	BOD Votes
Bell County	\$107,988,246	17.97%	898
Killeen ISD	\$105,423,975	17.54%	877
Temple ISD	\$74,598,061	12.41%	621
Belton ISD	\$66,678,339	11.09%	555
Killeen - City	\$66,399,327	11.05%	552
Temple - City	\$57,722,290	9.60%	480
Salado ISD	\$19,611,020	3.26%	163
Temple College	\$19,467,971	3.24%	162
Harker Hts-City	\$14,796,846	2.46%	123
Central Tx College	\$12,455,081	2.07%	104
Belton City	\$11,766,201	1.96%	98
Academy ISD	\$8,352,100	1.39%	69
Troy ISD	\$7,172,834	1.19%	60
Morgans Pt. Resort	\$3,081,898	0.51%	26
Rogers ISD	\$2,868,212	0.48%	24
Bell County WCID 6	\$2,528,283	0.42%	21
Nolanville - City	\$2,527,127	0.42%	21
Bell County MUD 1	\$2,227,782	0.37%	19
Holland ISD	\$1,919,790	0.32%	16
ESD #1	\$1,908,338	0.32%	16
Bio Science District	\$1,548,690	0.26%	13
Salado - Village	\$1,471,549	0.24%	12
Florence ISD	\$1,246,912	0.21%	10
Troy - City	\$1,171,003	0.19%	10
Copperas Cove ISD	\$967,138	0.16%	8
Bartlett ISD	\$865,247	0.14%	7
Clearwater UWCD	\$844,484	0.14%	7
Moody ISD	\$826,167	0.14%	7
Little River-Academy City	\$566,055	0.09%	5
Elm Creek	\$473,684	0.08%	4
Rogers - City	\$437,115	0.07%	4

The timeline for each of these resolutions is very quick, and have specific requirements. Please see the timeline below:

BOD Entity Selection Timeline:

~~In September~~ — Chief Appraiser will inform entities that they will need to submit by resolution nominees for the positions to be filled

~~Before October 1st~~ — Chief appraiser will deliver to all entities the amount of votes that each entity gets based on tax levies

~~Before October 15th~~ — Entity will submit their choice of nominee name and address by resolution to Chief Appraiser

~~Before October 30th~~ — Chief Appraiser will prepare a ballot with all nominees and deliver to all entities

Before December 15th – All Entities have to submit to Chief appraiser their vote by resolution

Entities with more than 5% of the vote, have to have adopted resolutions with vote by first or second open meeting after receiving the ballot

Before December 31st – Chief Appraiser will deliver results to entities



www.bellcad.org



TAX APPRAISAL DISTRICT BELL COUNTY

Billy White
AAS, CAE, CCA, RPA
CHIEF APPRAISER

P.O. Box 390 • 411 E. Central Ave.
Belton, Texas 76513
Office: (254) 939-5841
billy.white@bellcad.org

Tax Appraisal District of Bell County
411 E. Central Belton, TX 76513
(254) 939 5841

Tax Appraisal District of Bell County | 411 E. Central Ave | BELTON, TX 76513 US

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PLANNING & ZONING COMMISSION

Morgans Point Resort Item Summary Sheet

Agenda Item: City of Morgan's Point Resort Code of Ordinances Chapter 2, Article 2.03 Animals Other Than Household Pets.

Discuss and take appropriate action on any revisions recommended (06/25/2024) by Planning and Zoning Commission (P&Z) to the City of Morgan's Point Resort Code of Ordinances Chapter 2, Article 2.03 Animals Other Than Household Pets.

Agenda Item Proposed Summary:

The MPR P&Z Commission discussed and recommended revisions to Chapter 2, Article 2.03 Animals Other Than Household Pets on 6/25/2024. The item is now being brought to the MPR City Council for consideration of approval. As highlighted by the City Council (10/07/2024), the following changes have been made to the previous recommended version of the ordinance:

- New date added at the end of each page.
- 2.03.003 enclosures—P&Z recommends (06/25/2024) locating enclosures no closer than 25 feet away from nearest property line.
- 2.03.004-4H and FFA— “sponsored by the Belton or the Temple Independent School District” in first paragraph and (3) (e) deleted from document.

Public Notifications and Input: No input from the public at the P&Z Commission meeting (06/25/2024).

Recommendation(s): By a vote of 4 to 0, the P&Z recommended approval of this request to revise City of MPR Code of Ordinances Chapter 2, Article 2.03 Animals Other Than Household Pets.

Voting Yes: Louis Guillaud, Ken Hobbs, Rebecca Cooley, Thomas Westmoreland

Voting No:

Absent: Eric Seeliger, Justin Strawn, Leslie Minor

Agenda Item Action:

Staff recommend approval of the proposed changes to the MPR Code of Ordinances Chapter 2, Article 2.03 Animals Other than Household Pets.

**References for City Council Members:*

- *City of Killeen Animal Housing Requirements Sec. 6-40. Fewer than 5 animals at least 20 ft, more than 5 animals at least 50 ft from adjacent buildings. Sec. 6-159. – Backyard Chickens, no more than 8 hens in chicken coop no less than 25 ft from habitable structure on neighboring property.*

- City of Belton Chapter 3, Article I. – In General, Sec. 3-2., Confining small animals; proximity to residences: Cage/Pen/Coop 50 ft for rabbits, guinea pigs, white rats, hamsters and 200 ft for chickens, turkeys, geese, guineas, pigeons and fowl. Exceptions can be made by City Manager from 200 ft to min 25 ft (subject to investigation by animal control).
- Village of Salado Section 3 Regulations (H): Covered chicken hens enclosure no closer than 20 ft to adjacent property line and no less than 50 ft to adjacent property residential structures. 1 acre or less 6.

DRAFT

AN ORDINANCE OF THE CITY OF MORGAN'S POINT RESORT, TEXAS, AMENDING CHAPTER 2, ANIMAL CONTROL, SECTIONS 2.03.001, REGULATIONS TO OWNING LIVESTOCK AND FOWL; 2.03.002, KEEPING ON UNOCCUPIED PROPERTY, SHEDS AND OTHER STRUCTURES, KEEPING FOR COMMERCIAL PURPOSES; 2.03.003. ENCLOSURE REQUIRED; 2.03.004, SPECIAL PROVISIONS FOR 4-H AND FFA PROJECTS; 2.03.005 SWINE PROHIBITED OF ORDINANCES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORGAN'S POINT RESORT, TEXAS:

Section 1: That a new Sections 2.03.001-2.03.005 of Chapter 2, Animal Control, of the City Code of Ordinances is amended.

Section 2: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Morgan's Point Resort, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

Section 4: This ordinance shall be effective upon its publication as required by Texas state law.

PASSED AND APPROVED this ____ day of _____, 2024, by ____ (ayes) to ____ (nays) with ____ abstentions by a vote of the City Council of the City of Morgan's Point Resort, Texas.

Dennis Green, Mayor
City of Morgan's Point Resort

ATTEST:

Neale Potts, City Attorney

Camille Bowser, City Secretary
City of Morgan's Point Resort

ARTICLE 2.03. ANIMALS OTHER THAN HOUSEHOLD PETS

Sec. 2.03.001. Regulations to owning livestock and fowl.

- (a) It shall be unlawful for any person to introduce, keep, or maintain any guinea fowl, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks, or pigeons, bees, or the feed or feed area for such in any pen, barn, building, or structure, excluding property perimeter fences within the city limits, within 25 feet of the residence of any person other than the owner. Such permits shall be revocable at will upon 90 days notice or upon lesser notice if the City Manager deems such revocation to be necessary to protect the public health or safety or public property.
- (b) Beyond the aforementioned limitation of 25 feet, not more than the following number of animals shall be kept on any single residence.
 - (1) Large animal (horse, mule, donkey, llama, cow, etc.): one (1).
 - (2) Medium size animals (sheep, goat, miniature horse, etc.): two (2).
 - (3) Small animals: four (4).
 - (4) Fowl (except roosters): six (6).
- (c) A combination of animals is allowed, but in no case shall the number of animals on any single residence exceed ten animals.

(Ord. No. 14-7A, § 15, 2-15-05)

Sec. 2.03.002. Keeping on unoccupied property; sheds and other structures; keeping for commercial purposes.

- (a) All existing unoccupied structures or structures to be built to house animals or fowl must be approved by the Building Control Board before being utilized to house the animals or fowl. No animals or fowl shall be raised, bred, or kept for commercial purposes within the City limits.
- (b) No shed, coop, barn, or other structure shall be erected, placed, or altered on any real property until construction plans of the structure and specifications and a plat map showing the location of the structure have been approved by the City Building Control Board as to the quality of workmanship and materials and harmony of external design with the existing structures within the area. No used building materials shall be used that will be exposed on the exterior or the structure unless said materials will be painted, stained, or covered with masonry.

(Ord. No. 14-7A, § 16, 2-15-05)

Sec. 2.03.003. Enclosure required.

- (a) *Horses, cows and similar animals.* It shall be the duty of every person who is authorized to raise or keep any horse, mule, pony, cow, goat, or similar animal to keep said animal in a stable, shed, pen, fence, or other enclosure. Such pen, stable, shed, fence or other enclosure must be kept in a manner not to jeopardize the health and comfort of the public or persons residing in the vicinity of the enclosure. The pen or cage cannot

be closer than 25 feet to the nearest property line of the lot, tract, or parcel on which said pen or cage is located.

- (b) *Fowl or small animals.* It shall be the duty of every person who is authorized to raise or keep chickens, ducks, geese, guineas, rabbits, pigeons, guinea pigs, white rats, white mice, hamsters, and other small animals and fowl to keep such in a pen, coop, or enclosure and it shall be unlawful to allow said animals to be at large. Such pen, coop, or enclosure must be kept in a manner not to jeopardize the health and comfort of the public or persons living in the vicinity of such enclosures. The pen or cage cannot be closer than 25 feet to the nearest property line of the lot, tract, or parcel on which said pen or cage is located.

(Ord. No. 14-7A, § 17, 2-15-05)

Sec. 2.03.004. Special provisions for 4-H and FFA projects.

Notwithstanding the limitations of Section 2.03.002, the keeping of rabbits and fowl as a bona fide 4-H club or FFA project may be authorized but strictly controlled under the following rules and limitations:

- (1) A permit must be obtained from the City by application to the City before rabbits or fowl are brought into the City.
- (2) A permit fee of \$5.00 must be paid to the City.
- (3) A statement signed by the schoolteacher who is to sponsor the project, giving the following information, must accompany the application:
 - a. The name of the student who will have the project.
 - b. The type of project, fowl or rabbit (not both).
 - c. The number of animals or fowl applicable to the project.
 - d. The date the project will be completed (each year is a separate project).
 - e. A statement that it is a bona fide project in connection with the 4-H club or FFA sponsored by the Belton or Temple School District.
- (4) Not more than 25 broiler or capon fowl shall be raised as a project. No other fowl shall be part of the project.
- (5) Not more than two adult doe rabbits shall be in a project. The doe shall not be bred more than four times per year. Not more than eight young per litter shall be raised.
- (6) Not more than one adult buck rabbit shall be in a project. He shall be kept in a separate hutch.
- (7) The cages, hutches, and other facilities used for the project shall be built, cleaned, and cared for in accordance with the Texas Agricultural Extension Service, Texas A & M University, Publication PS5.141 for fowl and SA5.010 for rabbits. The Building Inspector must approve cages or hutches.
- (8) The permit for the project shall expire on the date stated in subsection (3)d above. Cages or hutches shall be removed from the premises not more than 30 days from the date of the completion of the project.
- (9) Noises or odors resulting from the conduct of the projects which are offensive to neighbors and which are not corrected within five days after a written complaint by a neighbor shall be a violation of this Chapter as provided in Section 2.01.002 hereof.

(Ord. No. 14-7A, § 18, 2-15-05)

Sec. 2.03.005. Swine prohibited.

It shall be unlawful for any person to raise, breed, or keep any kind of swine within the City limits.
(Ord. No. 14-7A, § 19, 2-15-05)



PLANNING & ZONING COMMISSION

Morgans Point Resort Item Summary Sheet

Agenda Item: City of Morgan's Point Resort Code of Ordinances Appendix B Section 3 Definitions

Discuss and take appropriate action on any revisions recommended (08/27/2024) by Planning and Zoning Commission (P&Z) to the City of Morgan's Point Resort Code of Ordinances Appendix B Section 3 Definitions.

Agenda Item Proposed Summary:

The MPR P&Z Commission discussed and recommended revisions to the Code of Ordinances; specifically, Appendix B Section 3 Definitions on 8/27/2024. This item is now being submitted to the MPR City Council to discuss and determine if item is to be approved/amended. As highlighted by the City Council (10/07/2024), the following items were considered following the previous review and the changes listed below were made:

- New date added at the end of each page.
- Definition of "Church". Bible study changed to "religious study" and list of priests, nuns, etc. changed to "religious officiants".
- "Garage, Parking" is defined as building used for storage of four (4) or more automobiles.
- Home Business definition and possible addition of section within ordinances is being discussed with the City of MPR staff.
- "Kennels" An establishment with pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes. (Same as City of Belton, TX).

Public Notifications and Input: No input from the public at the P&Z Commission meeting (08/27/2024).

Recommendation(s): By a vote of 6 to 0, the P&Z recommended (08/27/2024) approval of this request to revise City of MPR Code of Ordinances Appendix B Section 3 Definitions.

Voting Yes: Justin Strawn, Ken Hobbs, Thomas Westmoreland, Leslie Minor, Rebecca Cooley, Eric Seeliger.

Voting No:

Absent: Louis Guillaud

Agenda Item Action:

Staff recommend approval of the proposed amendments to MPR Code of Ordinances Appendix B Section 3 Definitions.

**References for City Council Members:*

- *City of Killeen, TX Sec. 6-4.- Definitions: Kennel means any premises, at a location properly zoned for that activity, wherein any person engages in the business of boarding, breeding, buying, letting for hire or selling dogs and cats.*
- *City of Belton, TX, Sec 42. Definitions: Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.*
- *City of Belton, TX, Sec 42, Definitions: A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.*

ORDINANCE 24-011

AN ORDINANCE AMENDING SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF MORGAN'S POINT RESORT

WHEREAS, the Morgan's Point Resort Code of Ordinances includes **SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING**; and

WHEREAS, the City Council has determined that the current **SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING** should be repealed and replaced with the new **SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING** which is attached hereto.

NOWHERE, BE IT ORDAINED by the City Council of the City of Morgan's Point Resort, Texas, that:

Section 1. The matter and facts recited in the preamble hereof are found and determined to be true and correct.

Section 2. The current **SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING** is repealed and replaced with the new **SECTION 3. - DEFINITIONS OF ORDINANCE NUMBER 4-32, APPENDIX B. ZONING** which is attached here to.

Section 3. This Ordinance was approved by the City Council at a regularly scheduled meeting duly posted in accordance with the Texas Open Meeting Act and at which a quorum was present and voting.

Section 4. In the event that one or more of the provisions contained in this Ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability of this Ordinance shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein, but shall not affect the remaining provisions of this Ordinance , which shall remain in full force and effect.

Section 5. This Ordinance shall be and become effective immediately upon its adoption.

PASSED AND APPROVED, this _____ day of _____, 2024, by ____ (ayes) to _____(nays) with no abstentions by a vote of the City Council of the City of Morgan’s Point Resort, Texas.

DENNIS GREEN, Mayor
City of Morgan’s Point Resort, Texas

ATTEST:

Camille Bowser, City Secretary

Neale Potts, City Attorney

Section 3. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not directory.

Accessory Building: A structure located on the same building site as the main building, the use of which is incidental to that of the main building.

Alley: A right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Apartment House: See Multiple-Family Dwelling.

Approved Fence Materials: materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chainlink and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant. The provisions of this Ordinance are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved by the Building Official, or his designee. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Ordinance in quality, strength, effectiveness, fire resistance, durability, and safety.

Arbor (Trellis): An open shelter typically constructed of latticework or exposed boards that often provide partial shade or support for climbing plants.

Automobile: See Vehicle.

Building: Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or belongings. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Height: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Building Line: A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot or side lot line that a building may be erected.

Building Site: One or more adjacent lots, not separated by a public easement, upon which one dwelling and a maximum of two (2) accessory buildings, properly permitted by the City Building Official, are constructed or placed. Once an accessory building is placed on an adjacent lot(s), such lot(s) is(are) thereafter a part of the original building site and may not be sold separately, except when the accessory building has been removed from the lot(s) other than the lot containing the main building.

Carport: Is defined as a detached structured that is open on all sides designed or used to shelter vehicles.

Certificate of Occupancy: An official certificate issued by the City through the Building Official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Church/Place of Worship: A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for religious officiants on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition.

City: The Corporation legally recognized by the State of Texas as the City of Morgan's Point Resort.

City Building Official: City Manager of the City of Morgan's Point Resort, Texas or appointed designee. The City Building Official shall perform all the duties necessary for the processing of permit applications. The City Building Official has the duty to receive, review, approve, modify or reject all applications for the issuance by the City of building permits. No building permit shall be issued without the written approval of the Building Official. The Building Official may recommend variances on setback lines and, side and rear lot lines. The City Building Official may also perform the duties of City Building Inspector.

City Council: The governing body of the City of Morgan's Point Resort, Texas.

Code: The Code of Ordinances of the City of Morgan's Point Resort, Texas.

Community Center: A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

Community Home: A dwelling occupied by not more than two (2) persons per bedroom, to include persons with disabilities and their caregivers, but not to exceed a maximum of six (6) persons with disabilities and two (2) supervisors. A community home shall comply with all applicable Sections of this ordinance and the Community Homes for Disabled Persons Location Act, V.T.C.A., Human Resources Code ch. 123, as they exist now or as they may be amended.

Comprehensive Plan: Graphic and textual form policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

Construction Trailer: A box car, storage container, or mobile trailer used at a construction site where a residential or commercial building is being undertaken and utilized for temporary storage, nonresidential occupancy, or warehousing purposes.

Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

District: Any Section or Sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Dwelling: Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes.

Dwelling, Multiple-Family: Attached dwelling units designed to be occupied by two or more families living independently of one another, exclusive of hotels or motels.

Dwelling, Single-Family: A detached dwelling designed to be occupied by not more than one family.

Easement: A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, and may be dedicated by plat or implied by right. It is either for the benefit of appurtenant land such as for the right to cross, or egress, such as a public utility easement, or in specific, such as an exclusive utility easement. An easement may or may not have descriptive metes and bounds.

Family: One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Fence: An artificially constructed barrier enclosing, separating, or screening areas of land, serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view, and/or for confinement. Except where otherwise required in this Code, regulations governing the height, location, and opacity of fences also applies to walls, hedges or landscaping used in lieu of a fence or in combination with a fence. A fence is any part of a fence including the base, footings, supporting columns, post, braces, structural members, or any other of its appendages.

Fence Contracting: Engaging in the business of erecting, maintaining, constructing, or reconstructing fences for which a permit is required.

Fence Contractor: A person who, for remuneration, erects, maintains, constructs, or reconstructs a fence on the premises of another. It does not mean the owner who owns or leases the premises on which the fence is located.

Fence, Dilapidated: a fence which is decayed, deteriorated, or has fallen into partial ruin.

Garage, Parking: Any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.

Garage Sale: As used in this Chapter, "garage sale" shall mean the sale or trade, or offering for sale or trade, of unwanted or surplus goods, wares, merchandise or personal property of a household nature to the general public held (i) on the premises of a private single-family or multiple-family residence by the owner, owners, tenants or occupants thereof, or (ii) on the legally established premises of a charitable or religious organization, as described in paragraphs (3), (10) and (19) of Section 501(c) of Title 26 of the Internal Revenue Code, by the charitable or religious organization. The term "garage sale" shall include, but not be limited to, any patio sales, rummage sales, yard sales, lawn sales, moving sales, estate sales, or other sales similarly conducted at or upon any property zoned for or occupied by a residential use or on the legally established premises of a charitable or religious organization.

Home Occupation: An occupation or activity carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes. The occupation or activity must be conducted entirely within the dwelling or within a detached garage or accessory building. There shall be no repair, trading, selling or delivery of tangible products to customers on the premises. The home occupation or activity may not create increased traffic, obnoxious noise, odors, dust, smoke, fumes, vibrations or electrical interference. The operation of a business such as a beauty or barbershop, tearoom, restaurant, rest home, clinic, child care facility or bed and breakfast facility in this City shall not be deemed a home occupation.

Improved Surface: An all-weather surface such as asphalt, concrete, rock, stones, or other similar permanent hard surface material sufficient to prevent mud, dust and loose material from creating a hazardous condition on the roadway.

Kennels: An establishment with pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Landscaping: Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and nonliving durable material, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Loading Space: An off-street space or berth used for the delivery and loading or unloading of vehicles.

Lot: Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

Lot, Combination: A combination of two or more platted lots that are legally conjoined to form a single parcel.

Lot, Corner: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot, Irregular: A single lot or parcel that is not rectangular or square in shape.

Lot, Key: A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Lot Line, Rear: The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot Line, Side: Any lot line not the front or rear lot line.

Lot Lines or Property Lines: The lines bounding a lot as defined herein.

Lot Width: The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

Main Building: The building or buildings on a lot which are occupied by the primary use.

Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more Sections, which in traveling mode is eight body feet or more in width and forty or more body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Masonry Construction: Exterior construction materials including brick, stone, stucco, granite, marble, concrete and other built-up/tilt panels.

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more Sections, which in the traveling mode is eight body feet or more in width and forty or more body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Motor Vehicle: See Vehicle.

Municipally Owned Facilities and Uses: Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Morgan's Point Resort, Texas.

Nonconforming Use: A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Occupancy: The use or intended use of the land or buildings by proprietors or tenants.

Office, Professional and General Administrative: A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Opacity: The degree of openness which light or view is blocked measured perpendicular to the fence for each fence section between supports.

Open Storage (Also Outside Storage): The keeping, displaying, or storing, outside a building, of any new or used goods, material, merchandise, or equipment on a lot or tract for more than twenty-four (24) hours.

Parcel: A single lot or group of lots identified by a unique Property ID assigned by the Bell County Appraisal District.

Parking Lot: An off-street, ground level area, usually surfaced and improved, for the temporary storage of operational vehicles and unique vehicles.

Planning & Zoning Commission: A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "P&Z". Further described in Section 23. **Plat:** A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Morgan's Point Resort and subject to approval by the Planning & Zoning Commission and City Council and filed in the plat records of Bell County.

Plot: A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

Premises: Land together with any buildings or structures situated thereon.

Public or Municipal Building or Facility: Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Morgan's Point Resort, or any subdivision or agency of the State of Texas, the United States or the City of Morgan's Point Resort, or by any public or quasi-public utility.

Public Right-of-Way (ROW): A strip of land which is used as a roadbed for street, alley or a highway and is intended for use by the public at large, or land set aside as an easement or in fee, either by purchase, agreement or condemnation. Generally, describes an area used for the provision of streets and utilities. Unless otherwise specified, the term right-of-way shall refer to a public right-of-way.

Pumphouse: A structure housing pumps for irrigation purposes with a base not larger than sixteen (16) square feet and a height not greater than four (4) feet.

Recreational Vehicle (RV): A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self propelled (motorized).

Recreational Vehicle (RV) Park: An area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

Repair: A repair to a fence shall be defined as maintenance to a fence where replacement of materials does not exceed fifty (50%) percent of the fence and does not change the scope, location or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made.

Residence: See Dwelling

Residential District: District where the primary purpose is residential use.

Restaurant (Drive-In Type): An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in vehicles on or near the restaurant premises.

Restaurant or Cafeteria: An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-through window.

Retail or Service (Incidental): The rendering of retailing or services secondary to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other activity secondary to the primary office occupancy.

Retail Stores and Shops: Establishments engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining Wall: A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

Room: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

Screening: A method of visually modifying the view of a structure, building, feature or use by methods such as fencing, walls, berms, densely planted vegetation or a combination of these methods.

Screening Wall: A wall or architectural extension that may be part of the structure or a stand alone feature that screens from view the interior of a property so that visibility through the wall shall be prevented from the exterior side of the wall or architectural extension.

Setback: The distance from the property line or the right-of-way line to the nearest structure.

Shopping Center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Short Term Rental: A residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

Sign: Any device (including searchlights), flag, light, figure, letter, word, message, symbol, plaque, or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on that premises.

Site-Built: A building that is built on the building site for which a building permit was issued and which does not include any pre-assembled, pre-plumbed or pre-wired rooms constructed away from the site.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables, and other normal roof structures.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

Street: Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is seventy (70) feet or greater.

Street, Intersection: Any street which joins another street at an angle, whether or not it crosses the other.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

Trailer: Every vehicle designated or used to carry its load wholly or partially on its own structure and to be drawn by a motor vehicle, except devices used exclusively upon stationary rails or tracks.

Trailer or Mobile Home Space: A plot of ground within a mobile/trailer home park or mobile home subdivision designed for the accommodation of one mobile home.

Unique Vehicles: Alternative vehicles as defined by the Texas Department of Motor Vehicles (TxDMV) including off-highway vehicles, golf carts, and neighborhood electric vehicles (NEVs).

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle: A device that can be used to transport or draw persons or property on a highway. The term does not include a device used exclusively on stationary rails or tracks or manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, Rear: The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side: The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning District Map: The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

(Ord. No. 2014-01, 1-14-14; Ord. No. 2014-16, 12-9-14; Ord. No. 2019-10, § 1, 8-20-19; Ord. No. 2020-11, 10-13-20; Ord. No. 2021.08 , § 1(Exh. A), 12-14-21)

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF MORGAN'S POINT RESORT
CHAPTER 13 UTILITIES

WHEREAS, the Morgan's Point Resort Code of Ordinances includes Chapter 13 -Utilities; and

WHEREAS, Chapter 13, Article 13.02, Monthly Rates, currently includes **Sec.13.02.003 Garbage collection** which states:

The monthly garbage rate charged to customers for residential garbage pickup will be \$18.37 plus sales tax o/\$1.52 per household for a total o/\$19.89 per household per month. The new rate shall be effective with the November 2024 billing. {Ordinance 2024.12 adopted 11/12/2024}; and

WHEREAS, the current City Contract for solid waste disposal services with Waste Management (WM) allows WM to annually adjust the monthly rate by the change in the Consumer Price Index (CPI); and

WHEREAS, WM has notified the City that they will be raising the current monthly charge (\$17.98) by 2.16%; and

WHEREAS, it is the desire of the City Council to balance the rate that the City is charged by WM with the amount the City collects from customers; and

WHEREAS, the Council has deemed it necessary to change the current rate to \$18.37 dollars per month.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Morgan's Point Resort, Texas, that:

Section 1. The matter and facts recited in the preamble hereof are found and determined to be true and correct; and

Section 2. **Chapter 13, Article 13.02, Monthly Rates, Sec. 13.02.003 Garbage collection** is amended to read as follows.
The monthly garbage rate charged to customers for residential garbage pickup will be \$18.37 plus sales tax of \$1.52 per household for a total of \$19.89 per household per month. The new rate shall be effective with November 2024 billing.

PASSED AND APPROVED this 12th day of November 2024, by _____(ayes) to _____(nays) with _____ abstentions by a vote of the City Council of the City of Morgan’s Point Resort, Texas.

Dennis Green, Mayor
City of Morgan’s Point Resort

ATTEST:

APPROVED AS TO FORM:

Camille Bowser, City Secretary
City of Morgan’s Point Resort

Neale Potts, City Attorney



October 1, 2024

City of Morgan's Point Resort
8 Morgan's Point Blvd.
Morgan's Point Resort, TX 76513

Re: Garbage Collection Agreement / Rate Adjustment

Dear Mr. Erskine:

Provided for your notification is the annual CPI/Fuel adjustment as stated in Section 8 MODIFICATION TO RATES, in our solid waste collection agreement. The scheduled annual CPI adjustment will be reflected in our invoicing for November 1, 2024

The CPI U.S City Average for CPI-U Garbage & Trash Collection Services 12-month average from June 2022- May 2023 was 565.27 and the has increased to 602.47 as averaged from June 2023- May 2024. The 12-month average for EIA Diesel, On Highway Retail, Gulf Coast Region from June 22 to May 23 was \$4.49 per gallon and from June 23 to May 24 was \$3.79 per gallon. Please see backup data attached.

The rate for collection services will increase (2.16%) over your current monthly service fee from \$17.98 to \$18.37 per home, per month.

Please see attached rate sheet form for the full commercial breakdown.

It is a pleasure to be part of the community team. Should you have any questions or comments please do not hesitate to contact me directly at 512-696-0363 or pdaugere@wm.com

Sincerely,

Paul Daugereau
Public Sector Solutions Manager
Waste Management of Texas, Inc.