



**PLANNING & ZONING COMMISSION**  
**Tuesday, July 22, 2025, 6:00 PM**  
**EVENT CENTER 60 MORGAN'S POINT BLVD**

**Call to Order**

Meeting called to order by Chairperson, Ken Hobbs, at 6:36 PM –

**PRESENT**

Louis Guillaud  
Ken Hobbs  
Thomas Westmoreland  
Leslie Minor  
Tom Edwards (new member, first meeting)

**OTHERS:**

Uryan Nelson (CTCOG)

**ABSENT**

None

**Announcements and Citizens Comments**

N/A

**Presentations**

N/A

**1. Approval of Minutes**

- a. Discussed and considered minutes of June 24, 2025

Motion made to approve minutes from June 24, 2025

Motion made by: Guillaud, seconded by: Westmoreland.

Voting yea: Hobbs, Minor

Passed

**2. Regular Agenda**

- a. Consider variance request for carport at 160 Lake Forest Dr

Discussion by members, based on information provided.

Motion made to deny the request for a carport based on the building lines and the alternative use of the garage.

Motion made by: Westmoreland. Seconded by Guillaud.

Voting yea: Minor, Hobbs, Edwards

Passed

- 3.** Consider ADA timelines for established business compliance.

Discussion by members and CTCOG regarding other municipalities managing this requirement.

Motion made to table this requirement for further guidelines and discussion.

Motion made by: Guillaud seconded by Minor.

Voting yea: Hobbs, Westmoreland, and Edwards

Passed

- 4.** Consider Chapter 3,6, and 14 edits from City Council.

Discussion by members on leaving in the section for Housing Adjustment Board in Chapter 3 with minor edit to make it permissive and not mandatory.

Motion made by: Guillaud seconded by Edwards.

Voting yea: Hobbs, Westmoreland, and Minor

Passed

- 5.** Home Based Business and Town Hall Meeting

Discussion by members as to ordinance development and documents to share before and during Town Hall meeting. How to notify community—water bill, MPR website, and Business lists.

No action required on these two agenda items. Will develop more input and bring back to future P&Z meetings.

#### **MPR Master Plan Update**

Nayda Santana will send to Ken Hobbs

#### **Items for Future Agendas**

Home-based Business

Town Hall Meeting

Abandoned Property in MPR

Consider ADA timelines after further follow-up.

## **P & Z Commission Updates & Comments**

Larry Wilkey: new Morgan's Point Judge

## **Adjournment**

Meeting adjourned at 7:00 PM

I certify that a copy of the \_\_\_\_7-22-2025\_\_\_\_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 \_\_\_\_7-18-2025\_\_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

Nayda Santana, Interim City Secretary

Home located at 43 Morgans Point Blvd.

2017 was the last year taxes were paid on this property.

The total amount of past due taxes is \$28,542.57.

The deceased owner, Richard P McGuire, died without a will, but had told our then city manager, David Husman, that he intended him to have the property.

But there was never a legal will that documented this.

Huseman hired an attorney to claim the property and told me he spent about \$40K on it (new roof, replace electrical, etc,) in the 2017/18 time frame before he gave up.

The place has been vandalized several times this year.

Seems like the city should foreclose for back taxes.



# **RECOMMENDED ORDINANCE UPDATES FOR CONSTRUCTION, HOUSING AND ZONING**

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### **ARTICLE 3.02. - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS**

#### **Sec. 3.02.002. - Building Official**

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

~~The City Building Official will be the City Manager.~~ 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 shall have the authority to grant variances on setback lines and side and rear lot lines.~~ The City Building Official may also perform the duties of City Building Inspector

***BO: Remove requirement for the City Manager to be the Building Official. The Building Official should not have the authority to allow variances of setback lines. This should be reviewed by P and Z.***

### **Sec. 3.02.003. - Building Inspector**

The City Building Inspector shall inspect all phases of construction as outlined in the building, electrical, plumbing and mechanical **and energy** codes to ensure compliance with the applicable rules and regulations as set forth by this Article.

***BO: Add "and energy" to the 1<sup>st</sup> sentence. The State of Texas requires that we enforce energy codes as well as the others stated.***

### **Sec. 3.02.004. - Permit required**

It shall be unlawful for any person to start construction on a new building, remodel or alter an existing building, place a storage building upon a home site, install a mobile home, install a septic or sewer system, install a swimming pool, install a fence, perform any electrical, plumbing or mechanical work on any structure, or demolish any structure, without first obtaining a permit for such work. **Refer to 2015 IRC 105.2 to reference what does not require a permit.**

***BO: We have the 2015 IRC adopted and R105.2 shows what does not require permits. We need to refer to the IRC language***

### **Sec. 3.02.005. - Plans, specifications and surveyed plot plan required**

The City Building Official shall require that his office be provided with the following:

- (1) Plans and specifications to include the front, side and rear elevations, **foundation plan** and a detailed floor plan of the proposed structure.
- (2) A plot plan of the subdivision with the subject lot identified on the plot.

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

(3) A survey showing the location of the proposed structure upon the lot in reference to all property boundaries, **setback and/or easements**.

(4) A survey reflecting the approximate location of the septic system in relation to the proposed structure and the property lines.

**BO: Add "foundation plan" to (1) as all new home construction must have a State of Tx stamped plan. Also add "setback and/or easements" to (3). We need all the information on the survey we can get so we can make an informed decision.**

### **Sec. 3.02.006. - Permit procedures; stop work orders**

(c) *Approval of plans and specifications.* All plans and specifications must be approved by the City Building Official prior to the issuance of any permit required by this Article. ~~In addition, the County Fire Marshal must review and approve all commercial construction permits in the interest of fire safety and seating capacity.~~

**BO: Remove the last sentence requiring County Fire Marshal to review commercial plans. The Building Official should have the knowledge of fire safety and load requirements as shown in the 2015 IBC**

(f) *Expiration of permit.* All permits shall expire and be considered no longer valid 180 days after issuance. ~~unless construction work there under has actually started before the expiration of such period of time. In addition, construction must be completed within one year from the date of issuance of the building permit.~~ The Building Official is authorized to waive these provisions if, in his opinion, the situation warrants such waiver.

**BO: This needs to be 180 days flat because it will be nearly impossible to determine when all projects in the city have started. The contractor/owner can ask for a one-time extension of 180 days without fee. The second and subsequent requests for extension will require fee and inspection.**

### **Sec. 3.02.007. - Permit fees**

#### **(1) New residential construction.**

a. Includes single- and multiple-family residences.

b. Square footage includes all under-roof construction. Multi-story structures shall be calculated as above for each occupied floor and the sum of all floor area shall be construed as the aggregate area.

c. Fees to be paid by individual contractors upon application for a permit are as follows:



## **Recommended Ordinance Updates for Construction, Housing and Zoning**

1. Building: \$0.06 per square foot (\$25.00 minimum).
2. Foundation: \$64.00 (each inspection).
3. Framing: \$40.00 (one phase inspection).
4. Insulation: \$40.00 (one phase inspection).
5. Wallboard: \$40.00 (one phase inspection).
6. Electrical: \$160.00 (four phase inspection).

**BO:** *Add a wallboard inspection to new construction because we should be inspecting it per 2015 IRC.*

### **(2) New commercial construction.**

- a. Building: \$0.08 per square foot (minimum \$48.00).
- b. Foundation: \$64.00 (each inspection).
- c. Framing: \$40.00 (one phase inspection).
- d. Electrical: \$160.00 (four phase inspection).
- e. Plumbing: \$120.00 (three phase inspection).
- f. Mechanical: \$80.00 (two phase inspection).
- g. Wallboard: \$40.00 (one phase inspection).
- h. Sprinkler system: \$64.00 (one phase inspection).

**BO:** *Add a wallboard inspection to new construction because we should be inspecting it per 2015 IBC*

### **(6) Residential/commercial remodel, renovation and alteration.**

- a. Residential.
  1. Building: \$0.06 per square foot (\$50.00 minimum).
  2. Foundation: \$64.00 (each inspection).
  3. Framing: \$40.00 (each phase inspection).
  4. Electrical: \$40.00 (each phase inspection).
  5. Plumbing: \$40.00 (each phase inspection).
  6. Mechanical: \$40.00 (each phase inspection).
  7. Wallboard: \$40.00 (one phase inspection).

## Recommended Ordinance Updates for Construction, Housing and Zoning

8. Certificate of occupancy: \$40.00 (one phase inspection).

**BO:** Add a wallboard inspection to new construction because we should be inspecting it per 2015 IRC/IBC

### (7) Swimming pools.

a. Flat rate fee for each swimming pool: ~~\$80.00~~ \$160.00

b. Includes a layout inspection, a rough-in inspection of the steel bonding, high/low voltage electrical, deck bonding and plumbing and then a final inspection of the electrical system and security fencing. pool barriers and the required window and door alarms that comply with ASTM f2090.

**BO:** Change rate of swimming pools due to fact there must be so many inspections for a pool. The current price does not cover the required inspections. We should always conduct a layout inspection to verify the pool is in the correct location. Then when the shell is done, we check shell bonding with stingers and low voltage conduit along with verifying a water bond in the skimmer or at the equipment. We will also verify a halo bond is installed with deck bonding and any other metal parts within 5' of waters edge. Then the final requires fencing and alarms and verifying all pool equipment is bonded.

### Sec. 3.02.008. - Certificate of occupancy; required inspections

(b) Required inspections.

(1) Building:

- a. Survey plan setback lines.
- b. Foundation and steel.
- c. Framing.
- d. Insulation.

**e. Wallboard**

**f. Masonry/fireplace.**

**g. Driveways and flatwork.**

**h. Final and certificate of occupancy.**

(2) Electrical:

- a. TBM (temporary building meter/pole).
- b. Rough-in.

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

c. Conditional final.

d. Final.

### **e. Electrical service**

(3) Plumbing/gas:

a. Rough-in

b. Top out (stack)

c. Final.

(4) Mechanical:

a. Mechanical rough-in.

b. Mechanical final.

### **(5) Energy final**

(6) Miscellaneous inspections:

a. Accessory building.

b. Garage/carport additions (attached or detached).

c. Blasting.

d. Fence.

e. Swimming pools.

f. Other.

**BO:** Add "wallboard, electrical service and energy final inspections to the required inspections for new homes.

### **Sec. 3.02.012. - Sanitation facilities on construction sites**

Temporary sanitation facilities shall be required on all construction sites and shall not be placed on the public street.

**BO:** I have recently had issues with contractors placing porta johns on the street which is a risk for storm water drainage. They should all be on a controlled lot.

### **Sec. 3.02.015. - Swimming pool fencing**

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

(a) All outdoor swimming pools of a permanent or semi-permanent construction having a depth of more than 14 inches, whether constructed above or below the ground, shall be enclosed by a fence installed in accordance with ~~Appendix B, Section B105, of the International One and Two Family Dwelling Code, 2000 edition~~. At no time shall the fence be in conflict with or violation of existing ordinances setting out clearances around fire hydrants or clearances from street corners or ordinances touching upon sight clearances.

**BO: Replace verbiage with "Ch. 3 Sec. 305 Barrier Requirements of the 2018 International Swimming Pool and Spa Code ISPSC per State of Texas"**

Aug 12, 2019 — Texas passed **HB 2858** to improve safety of pools and spas throughout the state.

### **Sec. 3.02.051. - Residential construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Residential **Code For** One- and Two-Family Dwellings ~~Code~~, 2015 edition, International Energy Conservation Code, 2015, published by the International Code Council, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article, with amendments thereto.

**BO: Add "Code For" and remove "Code" at the end of the code title to be correct in our terminology.**

### **Sec. 3.02.052. - Commercial construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, or addition to commercial property in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Building Code, 2015 edition, **International Energy Conservation Code, 2015 edition** published by the International Code Council, and the ADA and 2012 TAS standards, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article.

**BO: Add "International Energy Conservation Code, 2015 edition" to be in compliance with State**

**Also ADA Compliance Regulations as approved by P&Z and City Council.**

### **Sec. 3.02.101. - Residential construction**

## Recommended Ordinance Updates for Construction, Housing and Zoning

*Standards.* All plumbing work performed within the City limits must be in compliance with the ~~International One- and Two-Family Dwelling Code, 2015 edition.~~ International Residential Code For One and Two-Family Dwellings, 2015 edition

**BO:** *Make the above correction to have accurate title of publication*

### **Sec. 3.02.151. - Electrical code; permits**

(a) *Standards.* All electrical work performed within the City limits must be in compliance with the National Electrical Code, ~~2014 edition~~ 2023 edition per TDLR. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe and durable and within the intent of the code.

(b) *Application for permit; bond.* All applications for electrical permits must be personally made by a licensed electrical contractor or licensed electrician ~~The City will accept electrical licenses that are current from any other City provided the appropriate surety bond has been posted with the Building Official.~~

**BO:** *Remove "2014 edition" and replace with " 2023 edition per TDLR". The State of Texas minimum requirement for electrical is the 2023 NEC.*

*The licenses for Electricians are state issued by TDLR. Remove language for city licensing. Makes it confusing.*

### **Sec. 3.02.201. - Residential construction**

(a) *Standards.* All mechanical work done within the City limits must be in compliance with the International Residential Code For One- and Two-Family Dwellings ~~Code~~, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is safe, durable and within the intent of the code.

**BO:** *Make above change to reference correct document title.*

### **Sec. 3.02.251. - Residential construction**

(a) *Standards.* All gas work performed within the City limits must be in compliance with the International Residential Code For One- and Two-Family Dwelling ~~Code~~, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe, durable and within the intent of the code.

**BO:** *Make above change to reference correct document title.*

### **Sec. 3.02.303. - On-site sewage facilities**

(a) *Generally.* Where the sanitary sewer is not available, septic systems ~~may~~ shall be installed as provided herein according to the plans and specifications as outlined below.

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

**BO: Remove "may" and add "shall". There is no other option other than city sewer and OSSF**

### **Sec. 3.02.351. - One- and two-family dwelling code**

The City adopts the International Residential **Code For One- and Two-Family Residential Building Code Dwellings** with the following changes:

**BO: Make above change to reference correct document title**

~~(E) Page 89, R403.1.6, Foundation anchorage.~~

~~Delete: Shall extend a minimum of 7 inches into masonry or concrete.~~

~~Insert: 1/2" x 8" anchors shall extend a minimum of 6 inches into masonry or concrete and be placed within 12 inches of every exterior corner and plate end, and not more than 6 feet on center on all exterior plates.~~

**BO: Why. Delete deletion. This is less restrictive and there is an inch less of uplift protection.**

## **ARTICLE 3.03. - HOUSING CODE**

### **Sec. 3.03.003. - Scope; designation of Building Official**

~~(c) The City Manager is referred to in this Code as the "Building Official." The City Manager Building Official may delegate his responsibility to the City Building Inspector or other City employee as he deems appropriate.~~

**BO: Remove 1<sup>st</sup> sentence and the position City Manager in the second sentence and replace with Building Official**

### **Sec. 3.03.004.- Penalty**

Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine not to exceed \$1,000.00 in all cases arising under the ordinances of the City that govern fire safety, zoning and public health and sanitation, other than vegetation and litter violations, ~~and not to exceed \$200.00 in all other cases;~~ provided that no penalty shall be greater or less than the penalty provided

## Recommended Ordinance Updates for Construction, Housing and Zoning

for the same or a similar offense under the laws of the State. Each day or fractional part thereof any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

**BO:** Remove “and not to exceed \$200.00 in all other cases” to keep simple. Litter violations are one of the smallest violations of housing code but is shown under \$1000 fine.

### Sec. 3.03.031. - Created; membership; hearings.

(a) There ~~may be is hereby~~ established in the City a board, ~~in leu of City Council acting in this capacity,~~ to be called the Housing Board of Adjustments and Appeals, hereinafter referred to within this Article as the Housing Board, which shall consist of five members. The members of the Housing Board shall be appointed by the City Council.

(b) Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, and thereafter they shall be appointed for terms of four years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. ~~Consecutive~~~~Continued~~ absence of any member from ~~3 (three)~~ regular meetings of the Housing Board shall render any such member liable to immediate removal from office. Any member of the Housing Board may be removed at any time by a majority vote of the City Council for inefficiency, neglect of duty or malfeasance in office.

(c) Three members of the Housing Board shall constitute a quorum. In varying the application of any provision of this Article or in modifying an order of the Building Official, affirmative votes shall be required. No Housing Board member shall act in a case in which he has a personal interest.

(d) The ~~Building Official~~ City Secretary or designee shall act as Secretary to the Housing Board and shall make a record of all its proceedings.

(e) The Housing Board shall elect a ~~ChairPerson~~~~chairman~~ from among its members.

(f) The Housing Board shall establish rules and regulations for its own procedure and for the conduct of hearings not inconsistent with the provisions of this Article. The Housing Board shall meet at regular intervals to be determined by the ~~ChairPerson~~~~Chairman~~, or, in any event, the Housing Board shall meet within ten days after a notice of appeal has been received.

**BO:** Do we need to create a Housing Board or can City Council act as Board? ~~Per City Counsel, no need for board at this time.~~

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

*Suggest removing "Building Official" from (d) and replace with City Secretary or designee. The Building Official will be too busy presenting a housing case to the Board to be able to record the minutes of the meeting as well.*

### **Sec. 3.03.061. - Duties of Building Official**

The Building Official, or his designate, is hereby charged with the duty of enforcing this housing code. For the purposes of the housing code, his designate may include the Fire Marshal, Fire Chief, Police Chief or City Manager.

*BO: I was told we do not have an active Fire Marshal for MPR. Suggest removing Fire Marshal and replacing with Fire Chief, Police Chief or City Manager so we have someone that can perform the BO duties in his/her absence.*

### **Sec. 3.03.063. - Notice of violation—Service on owner**

(c) The notice shall state that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the Housing Building Official shall schedule the subject property for presentation to the Housing Board of Adjustments and Appeals for their review and decision. The owner and all others with legal interest in the property, as shown by deed records of the County, shall be notified of the date, time and place of the hearing of such case presentation.

*BO: Remove term "Housing" Official and replace with "Building" Official. Its better having a SPOC instead of a Building Official, Housing Official, Health Official, Code Official, etc.*

~~(3) By publication of such notice in a newspaper of general circulation not less than three times within a 15-day period. This form of notice shall only be used when notice as provided in subsections (1) and (2) above is unobtainable. By posting such notice on or at the property in question.~~

*BO: Remove all language in number 3 and add "By posting such notice on or at the property in question". The state of Texas says by registered mail alone it is considered delivered. Removing would save the city money.*

#### **CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES**

(r) When a municipality mails a notice in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

### **Sec. 3.03.102. - Demolition of property**

~~(a) In all instances where the decision of the Building Official requires demolition of property and where, although notice of such order is sent, neither appeal from such order nor compliance with the terms of such order is had, the Building Official shall, after the date set out for the initiation of compliance with the order has passed, file an appeal for such person~~



## **Recommended Ordinance Updates for Construction, Housing and Zoning**

~~for the purpose of having such decision reviewed by the Housing Board. The appeal shall be filed in the name of the owner of the property ordered demolished and the Building Official shall notify the owner of such action and the time, date and place of the hearing.~~

~~(b) When the Building Official appeals a case in which demolition is required, he shall cause to be printed in a newspaper of the County a list of such buildings, which shall have a heading describing the hearing, the purpose thereof, and the date thereof and shall list all buildings by street address, lot, block, and subdivision, and the owner's name as per tax records of the City.~~

***BO: Remove entire section of 3.03.102. Sec 3.03.101 has the Notice of Appeal procedures that are available to the violators. This is a lot of unnecessary work and cost to city and no other local cities offer this.***

Chapter 214 The Texas Housing Code does not specifically require a Building Official to file an appeal for a demolition order.

### **Sec. 3.03.103. - Conduct of hearing**

(a) Upon receipt of the notice of appeal, the Building Official shall give written notice to the owner, occupant, mortgagee, and/or all other persons having an interest in the building to appear before the Housing Board on the date specified in the notice to show cause why the order contained in the notice of the Building Official should not be complied with. Such written notice may be ~~served by any Police or Warrant Officer of the City or any other persons of good character or may be sent via the United States mail.~~

***BO: If sending by mail is sufficient then it makes sense to reduce cost by removing requirement for someone to physically serve the notice.***

### **Sec. 3.03.106. - Appeal to City Council**

~~(a) The City Council shall review every case involving a decision of the Housing Board requiring demolition of property for the limited purpose of determining if there is substantial evidence to support the findings and decision of the Housing Board. The aggrieved party shall file with the City Secretary a written notice of appeal to the City Council within ten days after rendition of the decision of the Housing Board. If the aggrieved party shall fail or refuse to do so, then the Building Official shall file a notice of appeal for him.~~

***BO: Why have Council review every Demo order. They should review appeals received from the violators. They should have confidence in the expert witness of the Building Official and prior proceedings with the Housing Board.***

## **Recommended Ordinance Updates for Construction, Housing and Zoning**

*Also, they have the opportunity to file an appeal themselves. The state does not require the Building Official to file the appeal for them as shown above*

### **Sec. 3.03.152. - Space and egress requirements**

~~(b) Every dwelling shall contain at least 150 square feet of floor space plus 100 square feet of floor space for each occupant, the floor space to be calculated on the basis of total habitable room area~~

***BO: Remove all language in Sec 3.03.152 (b). This contradicts the requirements of Zoning Appendix B Table 10.1 Area Regulations. Minimum of any dwelling is 800 square feet***

~~(c) Floor area shall be calculated on the basis of habitable room area. However, the closet area and hall area within the dwelling, where provided, may count for not more than ten percent of the required habitable floor area~~

***BO: Remove second sentence regarding closet and hall allowed as habitable space. Contradicts adopted 2015 IRC Ch. 2 Definitions, "Habitable Space". A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.***

# NO IMPACT HOME BASED BUSINESS REGISTRATION

FOR RESIDENTIAL ZONES (SFR, MFR & HM)

City of Morgan's Point Resort: 8 Morgan's Point Blvd; Morgan's Point Resort, TX 76513: 254.780.1334

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This form is required for all "No Impact Home Based Businesses" as referenced in City of Morgan's Point Resort Ordinance # \_\_\_\_\_

A completed registration must be provided at the time of registration. All fields must be completed. If a field is not applicable, please indicate "N/A". The registration, along with required fees, can be dropped off or mailed to:

City of Morgan's Point Resort (City Administration Building)

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

Hours are: Monday-Thursday- 7 am to 4 pm (open during lunch) and Friday, 7 am-11 am

Phone: 254.780.1334

Website: <https://www.morganspointresorttx.com>

A City signed copy of your registration form will be returned to you.

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## What is a No Impact Home Based Business?

Home Based Business is a business that is operated: (a) from a residential property; (b) by the owner or tenant of the property; (c) for the purpose of manufacturing, providing or selling a lawful good or providing a lawful service.

## Why does Morgan's Point Resort required a No Impact Home Based Business Registration:

1. To recognize the home as a viable location for entrepreneurs, inventors, creators and home based businesses (micro-enterprises, start-ups & side hustles) in the following residential zones:

- SFR- Single Family Residential
- MFR- Multi Family Residential
- MH- Manufactured Housing

2. To ensure the compatibility of work-from-home use with the principal residential use in order to protect the integrity and character of neighborhoods;

3. To assure the residents of Morgan's Point Resort that our work-from-home residents realize that their work activity is clearly secondary and incidental to the use of the residential property.

4. Work-from-home users sign an acknowledgment agreeing to comply with Performance Standards to minimize noise, traffic/parking nuisances, hazardous material usage, and other possible impact to residential areas.

5. To collect Sales Tax, when required.

What are examples of typical No Impact Home Based Business Uses?

Administrative Offices & Makerspaces: accountants/bookkeepers, architects, artists, attorneys, authors, bloggers, clergymen, content writers, copywriters, engineers, real estate agents, planning director, web designer, photographer, contractor, screen writer, crafter. inventor. Studios & Workshops: personal services (hair, nails, skin, massage), tutor/teacher, physical therapist, craft/art classes, dressmaking, baker, chef, personal trainer, photo sessions, repairs (small appliances, small motors, small household items, guns etc.)

### **Teachers and Instructors- Do you have options to expand direct contact with your clients beyond the Low Impact Home Based Business Performance Standards?**

Yes! If you are ready to expand your class size (and not quite ready to rent a traditional "brick and mortar" building), consider renting the Garrett and Mic Event Center for your class/event or hold an outdoor class at one of our Morgan's Point Resort public parks (day use permit applies).

**Retail Sales in Residential Zones-** No Impact Home Based Businesses are not allow direct sales to clients/customers in the residential zones...but the City of Morgan's Point Resort does offer a Peddler's Permit. Reference City Ordinance 4.03- Peddlers and Solicitors (Permit application and fee apply)

### **What is the process to submit a Registration Form?**

1. Complete the Low Impact Home Based Business Registration Form and submit along with the appropriate fee (cash and credit cards accepted. Checks payable to City of Morgan's Point Resort) Drop off or mail to: City of Morgan's Point Resort (City Administration Building)
2. Registration is required annually. A City signed copy of your registration will be returned to you.
3. An inspection fee may be required based on potential operational health or safety issues
4. **FEES:**
  - Processing Fee- Twenty-Five (\$25.00)- Due at time of registration
  - Inspection Fee- Fifty (\$50.00)- Due prior to inspection

### **Where can I get more information?**

City of Morgan's Point Resort (City Administration Building)  
8 Morgan's Point Blvd. Morgan's Point Resort, TX 76513  
Hours are: Monday-Thursday- 7 am to 4 pm (open during lunch) and Friday, 7 am- 11 am  
Phone: 254.780.1334  
Website: <https://www.morganspointresorttx.com>

## **NO IMPACT HOME BASED BUSINESS REGISTRATION FORM**

**FOR RESIDENTIAL ZONES (SFR, MFR & MH)**

**Single Family Detached Structure and Multi-Family Structure with no more than two residential units.**

**City of Morgan's Point Resort- 8 Morgan's Point Blvd, Morgan's Point Resort, TX 76513 (Administration Office)**

OFFICE USE ONLY		
Registration Date:	Fees Paid (Amount):	Receipt #
	\$25 Annual Processing Fee	
	\$50 Inspection Fee, If Required	
Inspection Date:	Reason for Inspection:	
Staff Review Date:	Staff Name:	

APPLICANT INFORMATION		
Applicant's Name:	Title:	Date:
Legal Business Name:	EIN:	
Site Address:	BellCad ID:	
Mailing Address:		
Phone #:	Email:	
Sales Tax # (if applicable)		

PROPERTY OWNER INFORMATION		
Property Owner's Name:		
Mailing Address:	City/State:	Zip Code
Phone #:	Email:	

BUSINESS OPERATIONS INFORMATION	
Provide a detailed description of the proposed business operation:	
Provide the number of bedrooms:	Size of dwelling/home (square feet)
Will you be using a customary accessory building for business activities? If yes, explain:	
Number of improved parking spaces available on your property?	
Are you able to operate your business in a manner in which none of its activities are visible from a street?	
Is there any material or business procedure that could cause a health or safety concern? (Please describe)	

REQUIRED APPLICANT SIGNATURE
<p>By submitting this registration, the undersigned acknowledges that:</p> <ul style="list-style-type: none"> <li>• they are either the property owner or one of the persons authorized by state law to make this registration;</li> <li>• the information and statements made in this registration are correct and false statements or misrepresentations made in securing the approval make this application revocable;</li> <li>• any inaccurate or inadequate information provided by me, my firm or agent may delay the review of the application</li> </ul>



- the property owner (s) is aware of this registration
- the Homeowners Owners Association (HOA) or private agreement holder is aware of this registration, if applicable
- the undersigned is aware that their No Impact Home Based Business may have American Disabilities Act (ADA) compliance requirements
- the undersigned has read and understands the requirements for this registration listed under Performance Standards.
- the undersigned understands that the conditions specified are to ensure that the intent and purposes of the zoning ordinances are being upheld
- the undersigned authorizes the City of Morgan's Point Resort Staff to visit and inspect the property for which this registration is being submitted.
- the undersigned has 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 name (printed):

Mailing Address:

City:

State:

Zip code:

Phone #:

Email:

Applicant signature:

Title:

Date:

Processing Fee- Twenty Five **\$25**

Inspection Fee, if required-Fifty **\$50**

Due at registration

Due prior to inspection

Checks payable to City of Morgan's Point Resort. Cash or Credit Cards are accepted

#### FOR CITY USE ONLY

Any Site location concerns?

#### PERFORMANCE STANDARDS

Single Family Residential (SFR), Multi-Family Residential (MFR) & Manufactured Homes (MH)

- **NATURE OF THE USE** is reasonable and clearly incidental and secondary to the use of the residential property (dwelling, customary accessory buildings and yard) for residential use. The purpose of the business is manufacturing, providing or selling a lawful good or providing a lawful service.
  - **Number of adults allowed on the property at any one time:**
    - The use has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property (Texas Code 92-010 allows the number of adults to be three times the number of bedrooms)
  - **Work Activity** must not be visible from the street.
  - **Retail Sales** are not allowed on site, other than those that are incidental/subordinate to the trade (art supplies for classes, fabric for dressmaker etc.)
  - **Parking**
    - **No** on-street parking
    - On site parking must be on City approved surfaces
- **PROPERTY OWNER-** the user is either the owner of the property or one of the persons authorized by state law to make the registration.
- **NUISANCES-** no use shall create excessive noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in residential zones.
  - Specific noise prohibited between 11 pm to 7 am (Section **8.03**) **\*\* amend** to include other types of noise

- **RESTRICTIONS-** user has 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.
- **SIGNS-** A sign no more than 18' x 18' may be displayed on the property. When advertising, no physical address can be used. Signs on vehicles are accepted.
- **COMPLIANCE-** user agrees to comply with all City of Morgan's Point Resort ordinances, and all state, county and City laws, rules and regulations. Reference- Appendix B Zoning; Section 20 (Screening Fence, Section 22 (Non-Conforming Uses and Structures
- **SALES TAX-** Businesses that are required to collect sales, file your form using city Code: Morgan's Point Resort; Sales Tax Code #2014086.
- **EFFECT ON OTHER LAWS-** Nothing in this Article is intended to legalize anything prohibited under the Texas Penal Code or any other Federal or State law or City ordinance
- **INVESTIGATION OF APPLICANT-** The City Manager or his/her designated representative shall have full power to investigate the user to determine if the matters set out in the registration are true.
- **ENFORCEMENT, PENALTIES-** Any No Impact Home Based Business Use use will be revoked for non-compliance of the Performance Standards. The following list of ordinances apply to both the resident and the resident/No Impact Home Based Business user:
  - **Nuisances-** Reference Chapter 3 (Housing Code), Chapter 5 (Fire Prevention & Protection), Chapter 6 (Health and Sanitation), Chapter 8 (Offenses and Nuisances); Section 6.04.012 (Nuisances Dangerous to Public Health); Section 8.03.001 (Offenses and Nuisances-Noise),
  - **Parking and Traffic-** Reference Chapter 12 (Traffic and Vehicles). Appendix B Zoning Section 16 (Off Street Parking & Loading Requirements); Section 12.04.001.b (Parking in right-of-way; obstructions), Section 12.04.002.f (Parking large vehicles in residential area),
  - **Construction Codes-** Reference Section 3.02.001 (Technical and Construction Codes and Standards), Section 3.03.004 (Housing Code)
  - **Solid Waste and Water Supply-** Reference Section 13.03.002 (Solid Waste), Section 13.04.033 (Water Supply System), Section 13.05.011 (Water Use During Drought);
- **INSPECTIONS-** A resident shall allow representatives of the Police Department, County Health Department, Fire Department, and Building Inspection division to inspect the premises of user for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- **REVOCATION-** the use may be revoked by the Mayor upon recommendation of the City Manager in the event of the violation of any of the conditions contained there in.
- **APPEAL:** As long as all performance standards are met, the user will considered to be "in good standing". If the City deems the user as non-compliant, the user may request an appeal to make sure there is a clear understanding between the user and the City of Morgan's Point Resort of the facts associated with the No Impact Home Based Business operations.
- **PROHIBITED USES:** To ensure the compatibility of No Impact Home Based Business uses with the principal residential use and in order to protect the integrity and character of neighborhoods, the following uses are not allowed in the residential zones (Single Family, Multi Family and Manufactured Housing)
  - Animal hospitals or clinics, commercial stables or commercial kennels
  - Restaurants or other types of food service establishments
  - Activities that create hazardous waste such as cooking oil, motor oil or chemicals that can contaminate the property and are not removed or recycled (automobile, boat or trailer paint or repair shops)
  - Medical related offices (doctor, dentist, veterinarian, sex therapy, massage therapy etc.)
  - No retail sales on site, other than those that are incidental/subordinate to the trade (art supplies for classes, fabric for dressmaker etc.)
  - Mortuaries
  - Private clubs
  - Trailer rentals
  - Carpentry work
  - Photo developing using chemicals

- Gift shops, grocery stores, pharmacy and general merchandise establishments
- Repair shops for any item with an internal combustion engine.
- Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.
- Mobile food establishments-on site service (food trucks/trailers etc.)
- Entertainment businesses such as miniature golf
- Dog/Cat breeding (for profit)
- Alcohol or illegal drug sales
- A structured sober living home
- A sexually oriented business as defined by Texas Code Section 243.002



ITEM  
# 5 WORKshop.

This is a summary of what the Tx Legislature passed.  
To use as you update our ordinances.

**H.B. 2464 (Hefner/Middleton) – Home-Based Businesses:** among other things:

(1) defines a “home-based business” (HBB) as a business that is operated: (a) from a residential property; (b) by the owner or tenant of the property; and (c) for the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service;

(2) defines a “no-impact-home-based-business” (NIHBB) as a HBB that: (a) has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the city’s occupancy limit for the property; (b) does not generate on-street parking or a substantial increase in traffic through the area; (c) operates in a manner in which none of its activities are visible from a street; and (d) does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule;

(3) provides that a city council may not adopt or enforce an ordinance, regulation, or other measure that: (a) prohibits the operation of a NIHBB; (b) requires a person that owns or operates a NIHBB to obtain a license, permit, or other approval to operate; or (c) requires a person that owns or operates an HBB to rezone the property for a non-residential use or install a fire sprinkler protection system if the residence where the business is operated consists only of a single-family detached residential structure or a multi-family residential structure with not more than two residential units;

(4) provides that, subject to (2), above, a city may: (a) require that a HBB comply with federal, state, and local law, including a city fire and building code or city regulation related to health and sanitation, transportation or traffic control, solid or hazardous waste, or pollution and noise control; (b) require that a HBB be compatible with the residential use of the property where the business is located; (c) require that a HBB be secondary to the use of the property as a residential dwelling; and (d) limit or prohibit the operation of a HBB that sells alcohol or illegal drugs, is a structure sober living home, or is a sexually oriented business;

(5) provides that a person is not prohibited from enforcing a rule or deed restriction imposed by a homeowners’ association or by other private agreement; and

(6) provides that a municipality is not prohibited from adopting or enforcing an ordinance regulating the operation of a short-term rental unit. (Effective immediately.)

Dorothy Allyn  
MPR City Council Member

**PLANNING & ZONING COMMISSION**  
**Morgans Point Resort Summary Sheet**

**Agenda Item:**

**Agenda Item Summary:**

**Public Notification and Input:**

**Recommendation(s):**

**Voting Yes:**

**Voting No:**

**Agenda Item Action:**