



P&Z Meeting

Regular Session

January 25, 2022- 6:00 P.M.

Next meeting: February 22, 2022



PLANNING & ZONING COMMISSION
Tuesday, January 25, 2022 6:00 PM
AGENDA
Location: Event Center 60 Morgan's Point Boulevard

Call to Order:

Announcements and Citizens Comments

Item 1 Approval of Minutes- December 7, 2022

Item 2 New Business:

- a. Zoning of Estate Residential
- b. "Contiguous" definition in City Ordinance
- c. Annexations
 - a. Right of Ways (87, SB374)
 - b. New Developments
 - c. Landscape Requirement Section 19 of City Ordinance 4-32

Item 3 Old Business:

Item 4 MPR Master Plan Update:

Item 5 Agenda Discussion:

Item 6 Adjournment :

The Planning & Zoning Commission reserves the right to adjourn, to discuss any items in executive (closed) session whenever permitted by the Texas Open meeting act.

I certify that a copy of the January 25, 2022 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 January 20, 2022 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.

Ophelia Rodriguez, City Secretary



**PLANNING & ZONING COMMISSION
SPECIAL SESSION
Tuesday, December 7, 2021, 6:00 PM
MINUTES**

Call to Order: Chairman Ken Hobbs called the meeting to order at 6:00PM

Members Present: Chairman Ken Hobbs, Commission members Blake Lufburrow, Michael Ortega, Nathan Kruetter and Becky Cooley

City Staff: City Manager Dalton Rice, City Inspector Virgil Thompson, Code Enforcement Officer Jay Montgomery, City Secretary Ophelia Rodriguez

Announcements and Citizens Comments: There were none.

Item 1 Specific Use Permits/Application Process Short Term Rentals

City Manager Rice briefly explained the draft specific Use Permit/Application and process of Short-term rental that was submitted to Commission members for review. Staff mirrored some of the application from another City, so this could be amended when needed. Lengthy discussion and questions followed. City Manager Rice added that this is a start, it should protect homeowners, as the application is tied in directly to City Ordinances. Commission member Kruetter commented he had been educated at last City Council meeting, when a Citizen had opposed the short-term rentals coming into the City. He stated the City Attorney immediately advised, that the City by law could not refuse a property owner right to have short-term rental. Mr. Kruetter complimented the Application and its process. Commission Cooley asked if application would be available online. City Manager advised it would be. Chairman Hobbs entertained a motion. Commission member Blake Lufburrow made the motion to accept the proposed permit/ application/process and move forward to City Council for recommendation. Commission member Nathan Kruetter made the second motion. All present voted "Aye." Motion carried.

Item 2 Master Plan discussion

Lengthy discussion and review of Colliers Engineering & Design, proposal to update and prepare the City's 1994 Master Plan. The firm came highly recommended. Funding would be available through ARCA grant. City Council will also review proposal at next City Council meeting. Chairman Hobbs entertained a motion. Commission member Blake Lufburrow made the motion, to move forward to City Council for recommendation, to accept proposal from Colliers Engineering & Design. Commission member Becky Cooley made the second motion. All present voted "Aye." Motion carried.

Chairman Hobbs reminded members of Nathan Kruetter will become Chair of P&Z beginning January meeting. Mr. Hobbs will remain a member.

Item 3 Adjournment : Chairman Hobbs entertained a motion. Commission member Blake Lufburrow made the motion to adjourn, with Commission member Becky Cooley making the second motion. All present voted "Aye." Motion carried. **Meeting adjourned at 6:50 PM.**

Ken Hobbs, Chairman
City of Morgan's Point Resort, Texas

ATTEST:

Ophelia Rodriguez, City Secretary
City of Morgan's Point Resort, Texas

New Business

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2.

Example- Development Code Residential

Sec. 2-71. - Residential Districts Permitted Uses and Parking Schedule.

The Residential Districts Permitted Uses and Parking Schedule is shown on the following pages:

Table 2-71.1: Permitted Uses and Parking Schedule for Residential Zoning Districts

See Section 2-55 for the Key to Permitted Uses and Parking Schedule Tables.

P = Permitted Use C = Conditional Use An = Ancillary Use Blank Box = Prohibited Use

P(N) or C(N) = Permitted Use or Conditional Use with Supplemental Regulations - See Notes

* = Residential Proximity Conditional Use, See Section 2-55 G

Land Use	R-1E	R-1	R-1R	R-1Z	R-2	R-3	R-4	Definition	Parking	Notes
Residential										
Agricultural, Ranching	P (N)	C (N)						An area that is used for the raising thereon of the poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, and housing animals raised on the premises, but not including the commercial feeding or slaughter of animals. See Code of Ordinances for additional regulation of livestock.	No Additional Parking Required; 2: Dwelling Unit if Single-Family Home on Premises	1
Child Care Home (≤6 Children)	P	P	P	P	P	P	P	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	

Child Care Home (≥7 Children)	C	C	C	C	C	C	C	A dwelling where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day, and in accordance with the requirements of Texas Administrative Code, Title 40, Part 19.	2: Dwelling Unit	
Clergy House, Monastery, or Convent	C	C	C	C	C	C	C	A dwelling where four (4) or more unrelated employees of a Place of Worship, such as religious leaders or those studying worship, live; which is located on a separate platted lot than the associated Place of Worship; and that is tax exempt as defined by State law.	1: Resident Spaces (Minimum of 4 Required)	
Community Home	P	P	P	P	P	P	P	A dwelling for not more than six (6) persons with disabilities and two (2) supervisors and is licensed under and complies with Chapter 123 of the Texas Human Resources Code.	2: Dwelling Unit	
Dwelling, Accessory	P (N)	P (N)	P (N)					A dwelling unit, that is attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure, and is not involved in the conduct of a business.	No Additional Parking Required	2

Dwelling, Multi-Family							P (N)	A building on one (1) platted lot that contains three (3) or more Dwelling Units, and commonly referred to as a triplex, four-plex, or apartment building.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Attached (Townhome)							P (N) P (N)	A building that contains Dwelling Units located on separately platted lots that are joined to other Dwelling Units on one (1) or both sides by a common wall that is located along the side lot line and separates the individual Dwelling Units, commonly referred to as a townhouse.	1: 5 Dwelling Units PLUS 1.5: One Bedroom Unit and 2: Two or More Bedroom Units	3
Dwelling, Single-Family Detached	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)		A building that contains only one (1) Dwelling Unit and has open space on all sides of the building.	2: Dwelling Unit	3
Dwelling, Two-Family (Duplex)					P (N)			A building on one (1) platted lot that contains only two (2) Dwelling Units and has open space on all sides of the building, commonly referred to as a duplex.	2: Dwelling Unit	3

HUD - Code Manufactured Home					C (N)			A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in 1 or more sections; in the traveling mode, at least 8 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and is not a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).	2: Dwelling Unit	3
Residential Sales Offices (Temporary)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	A temporary office used by a homebuilder to facilitate the sales of new homes within a subdivision where there are available for purchase new homes already built or to be built on lots located therein.	Minimum of 4 Spaces	4
Institutional										
Library	C	C	C	C	C	C	C	A building for the viewing and check out of books, videos and other literature.	1: 300 sq.ft.	

Parks and Recreational Facilities	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	P (N)	An area developed for active play and recreation that may include, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The area may be owned by a public entity and used to provide recreational activities to the general public; or the area may be owned by a private, nonprofit, or homeowner's association and used to provide recreational activities to the members of the association.	1: 100 sq.ft. of Indoor Facilities Plus 1: 4 Persons Design Capacity of Outdoor Facilities (Including Both Participants and Spectators as Applicable)	5
School, Private, Elementary, Middle, and High Schools	C	C	C	C	C	C	C	A school under the sponsorship of a private or religious organization, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
School, Public, Elementary, Middle, and High Schools	P	P	P	P	P	P	P	A school organized by a governmental entity or granted a charter under Chapter 12 of the Texas Education Code, which provides elementary, middle, and/or secondary school curricula.	Elementary and Middle Schools: 1:20 Students High Schools: 1:4 Students	
Services										
Child Care Facility, Daycare	C	C	C	C	C	C	C	An establishment, other than a public or private school, providing care training, education, custody, treatment or supervision for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A state license is required.	1:300 sq.ft.	

Golf Course or Country Club	C	C	C	C	C	C	C	A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition also includes associated clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or associated service uses.	1:150 sq.ft. of Indoor Facilities PLUS 4: Hole	
Helipad (Accessory)	C							An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters. Only permitted as an accessory use to a Single-Family Detached Dwelling on a minimum 5-acre lot.	No Additional Parking Required	
HOA Clubhouse/Meeting Facility/Pool	P	P	P	P	P	P	P	A building and/or pool owned and operated by a homeowners association that is available for usage by homeowners, typically requiring rental fee and ⁴ reservation, for meetings, parties, or other private events.	1:300 sq.ft. (Minimum 5 spaces required)	
Independent Senior Living (55+)						C (N)	C (N)	An establishment providing dwelling units specifically designed for the needs of people 55 and over. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.	2: Dwelling Unit	6

Place of Worship	C	C	C	C	C	C	C	A building or group of buildings used for regular assembly for religious public worship and study that is used primarily for and designed for such purpose such as a church, synagogue, mosque or similar, along with accessory activities that are customarily associated therewith, such as classrooms, gathering spaces, or a place of residence for clergy on the same platted lot, and that is tax exempt as defined by State law.	With Fixed Seating: 1:3 Seats in the Main Assembly Area OR Without Fixed Seating: 1:75 sq.ft. in the Main Assembly Area	7
Short Term Rentals					C	C	C	A dwelling that is leased or rented out in whole or in part (a room, for example) for less than 30 days.	2: Dwelling Unit	

Industrial

Utilities	C	C	C	C	C	C	C	Buildings, maintenance yards, equipment yards, service facilities, shops, utility buildings and lines, etc. used for the transmission, storage or maintenance of utilities such as electric utilities, gas utilities, cable facilities, or other public utilities.	1:300 sq.ft. of Building or as Determined by the Director of Planning	
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Residential District Supplemental Regulations

1 Agriculture, Ranching

Minimum 5 acre property is required for the establishment of this use.

2 Dwelling, Accessory

Moved from Section 2-192.F.6. - Accessory Structures

- a. See Section 2-192 for additional regulations regarding Accessory Structures
- b. A Single-Family Detached Dwelling located in a R-1, R-1R, or R-1E district may provide for an additional Dwelling Unit as accessory quarters located in the Principal Building or as part of a Detached garage, if:
 - i. The accessory quarters does not contain more than 600 square feet of Living Space, and
 - ii. The occupant or occupants do not pay compensation for the use of the accessory quarters.

3 Home Occupations

Moved from Section 2-194. - Home Occupations

A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:

- a. It is conducted wholly within the Principal Building;
 - b. It is not conducted within a Private Garage, whether attached or Detached;
 - c. It does not depend on the employment of a person who does not reside in the residence;
 - d. A separate entrance is not provided for the conduct of the occupation;
 - e. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
 - f. It does not use outdoor storage;
 - g. It does not involve more than 300 square feet of the area of the Dwelling Unit;
 - h. A Sign Advertising the Home Occupation is not located on the Premises;
 - i. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles, ¾ ton step-up van or similar sized trucks;
 - j. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises;
- and
- k. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

4. Residential Sales/Construction Office (Temporary)

Moved from Section 2-55. - Accessory and Temporary Uses.

Temporary Construction Office. Temporary offices for construction or sales may be used on the site of a construction project as a temporary use but must be removed upon completion of the project. A temporary construction office must cease upon the issuance of a Certificate of Occupancy for the last Dwelling Unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last Dwelling Unit for that phase.

5 Parks and Recreational Facilities

A reduced parking requirement may be approved by the Director of Planning, or designee, when recreational facilities are included as part of a Home Owners Association facility, and a parking analysis is submitted demonstrating a lesser parking requirement is appropriate.

6 Independent Senior Living

Independent Senior Living uses must comply with the following requirements:

- a. Provide a common dining area that is at least 3,000 sq.ft.;
- b. Provide housekeeping and transportation services to residents;
- c. Provide physical fitness and/or wellness facilities on-site;
- d. Units must be accessible through temperature controlled interior corridors; and
- e. At least one person aged 55 or over shall reside in each unit.

7. Place of Worship

All uses and buildings associated with and on the same campus as the Place of Worship, including assembly/gathering facilities, shall be included in the Conditional Use Permit.

2

6.

We are wanting to change the definition of the word Contiguous in our ordinances to help reduce confusion during events when the definition may come into question. Below is the current definition in our ordinances and some suggestions. Please review how the word is used throughout our ordinances and share your thoughts or suggestions. It is generally accepted that some utility easements can be present and the property lines are still considered adjacent or contiguous.

Current definition. **Contiguous.** Means adjacent property whose property lines are shared or are separated by only a street, alley, easement or right-of-way.

Suggested Change. 1. **Contiguous.** Means adjacent property whose property lines are shared and are not separated by a street, alley, easement green or right-of-way.

2. **Contiguous.** Means adjacent property whose property lines are shared.

2 C Annexations a. Right of Ways

AN ACT

relating to municipal annexation of certain rights-of-way.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.1055, Local Government Code, is amended to read as follows:

Sec. 43.1055. ANNEXATION OF ROAD [~~ROADS AND~~] RIGHTS-OF-WAY ON REQUEST OF OWNER OR MAINTAINING POLITICAL SUBDIVISION.

Notwithstanding any other law, a municipality may by ordinance annex a road [~~or the~~] right-of-way [~~of a road~~] on request of the owner of the [~~road or~~] right-of-way or the governing body of the political subdivision that maintains the [~~road or~~] right-of-way under the procedures prescribed by Subchapter C-1.

SECTION 2. Subchapter E, Chapter 43, Local Government Code, is amended by adding Section 43.1056 to read as follows:

Sec. 43.1056. ANNEXATION OF CONTIGUOUS OR CONNECTING RIGHTS-OF-WAY. (a) Notwithstanding any other law, a municipality that is annexing an area under Subchapter C-3, C-4, C-5, or D may also annex with the area the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:

(1) contiguous and runs parallel to the municipality's boundaries; and

(2) contiguous to the area being annexed under Subchapter C-3, C-4, C-5, or D.

(b) A municipality may annex a right-of-way under this section only if:

(1) the municipality provides written notice of the annexation to the owner of the right-of-way, through the owner's registered agent, if applicable, not later than the 61st day before the date of the proposed annexation; and

(2) the owner of the right-of-way does not submit a written objection to the municipality before the date of the proposed annexation.

(c) If the owner of a right-of-way proposed to be annexed under this section is a governmental entity, the entity may specify the location at which a municipality must deliver notice under Subsection (b).

(d) Section 43.054 does not apply to the annexation of a right-of-way under this section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 374 passed the Senate on April 9, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 374 passed the House, with amendment, on May 11, 2021, by the following vote: Yeas 121, Nays 21, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

New Developments - No documents

Landscape Requirements

Current Ordinance

SECTION 19 LANDSCAPE REQUIREMENTS - RESIDENTIAL

19.1 PURPOSE

Landscaping is accepted as adding value to property and is in the general welfare of the City. Residential property owners are generally not required to provide extensive landscaping at the time of development.

19.2 LANDSCAPE REQUIREMENTS

A. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity. Planting of trees, shrubs or other plants or placement of obstacles which interfere with access to the right-of-way for such authorized parking or other public use of street areas is not permitted.

B. The following exception is allowed:

1. United States Postal Service mailboxes and enclosures may be placed in the street right-of-way in a manner approved specifically in each instance by the Belton, Texas, Postmaster.

(Ordinance 4-32 adopted 10/9/03)

Proposed addition to ordinance.

A. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity. Planting of trees, shrubs or other plants or placement of obstacles which interfere with access to the right-of-way for such authorized parking or other public use of street areas is not permitted. **The City will not be responsible for the repair or replacement of any landscaping that is disturbed or damaged as a result of any City response in any easement or right of way adjacent to any property.**

B. The following exceptions are allowed:

1. United States Postal Service mailboxes and enclosures may be placed in the street right-of-way in a manner approved specifically in each instance by the Belton, Texas, Postmaster.

2. Softscaping such as the placement and maintenance of plants, grass, mulch etc. that will not interfere with services including but not limited to deliveries, emergency response and utility services will be allowed between the paved roadway and the property line of adjacent property.

3. Hardscaping such as the placement of stone, gravel, brick and other hard landscaping material that will not interfere with services including but not limited to deliveries, emergency response and utility services will be allowed between the paved roadway and the property line of adjacent property.

(Ordinance 4-32 adopted 10/9/03)

- Item 3 Old Business
- Item 4 MPR Master Plan Update
- Item 5 Agenda Discussion
- Item 6 Adjournment