



City of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
(830) 598-2424 fax (830) 598-6538
www.graniteshoals.org

**AGENDA NOTICE
FOR A REGULAR CALLED MEETING
OF THE GRANITE SHOALS PLANNING AND ZONING COMMISSION,
TO BE HELD VIRTUALLY VIA ZOOM SOFTWARE FROM
AND IN PERSON AT 2ND FLOOR COUNCIL CHAMBER
OF GRANITE SHOALS CITY HALL, 2221 N. PHILLIPS RANCH ROAD,
GRANITE SHOALS, TX 78654
TUESDAY, FEBRUARY 16, 2021 AT 6 PM**

Commissioners will consider and may take action on any or all of the following items:

The City Hall will be open to attendance by the public but the option of attending via 'ZOOM' internet teleconference will be provided for all participants. Those attending in person will be required to wear a face mask and observe social distancing guidelines while inside City Hall. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Commission. Emails may also be submitted. **Members of the public are entitled to view this meeting which will be conducted via Zoom Teleconferencing. From desktop, smart phone or tablet:**

Topic: Granite Shoals Planning and Zoning Regular Called Meeting

Time: Feb 16, 2021 06:00 PM Central Time (US and Canada)

<https://us02web.zoom.us/j/82259053494>

Meeting ID: 822 5905 3494

Passcode: 856061

877 853 5247 US Toll-free

888 788 0099 US Toll-free

Meeting ID: 822 5905 3494

Passcode: 856061

CALL MEETING TO ORDER/WELCOME

PUBLIC COMMENTS, ANNOUNCEMENTS AND ITEMS OF INTEREST

*At this time, any person with business before the Commission not scheduled on the agenda may speak when recognized. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item please follow directions for submission of written comments. **Members of the public who wish to submit written comments to be read into the meeting record must submit their comments by emailing citysecretary@graniteshoals.org or by calling 830-598-2424 for staff assistance.***

Written Comments should be received at least two hours before the beginning of the meeting. For those wishing to participate possibly as a speaker in the meeting, please contact citysecretary@graniteshoals.org to register as a speaker and receive log-in instructions.

1) MEETING MINUTES

Discuss, consider and possibly take action to approve the meeting minutes from the Meeting of Planning and Zoning Commission on January 19, 2021

p. 3-6

2) REGULAR MEETING ITEMS

- a) Discuss / update on request of Trent Malik, discuss and consider his proposal for boat / personal storage units to be built possibly on Moss Downs Road. *p. 7*
- b) Hear presentation from Steve Zbranek, regarding city-initiated zoning change to place a GB-1 overlay district on the west side of North Phillips Ranch RD where the base zoning is now R-2 Multi Family Residential, also known as proposed Ordinance 806. *p. 8-13*
- c) Hear presentation regarding future Economic Development projects. (City Manager Jeff Looney)
- d) Discuss and consider updates regarding the progress of the Granite Shoals Short Term Rental Advisory Committee, including review of the proposed Short Term Rental Ordinance #807. (Chair Shannon Wilson) *p. 14-24*
- e) Discuss, consider and possibly take action regarding areas of the city for consideration of future city-initiated re-zoning to a new zoning district possibly to be called Manufactured Housing 3 –(MH-3), as discussed at previous two commission meetings. Information will be provided by Commissioners.

3) FUTURE AGENDA ITEMS

- Update on current city Zoning District map.
- Update on progress of city staff subcommittee reviewing the Granite Shoals City Comprehensive Master Plan.
- Concerns regarding sub-standard housing. Legal guidance for available steps the City may take.
- Update/ Special Meeting 3-1-2021 for Public Hearing on proposed Ord. 806. And Ord. 807, respectively.

4) ADJOURNMENT

CERTIFICATION

I certify that the foregoing agenda has been posted at Granite Shoals City Hall inside bulletin board, the outside bulletin board at City Hall and the official city website at www.graniteshoals.org, a place accessible at all times, on Friday, February 12, 2021 before 5:30 PM. and will remain there continuously from such time until after the conclusion of the P&Z Meeting convened at 6 PM on the afternoon of Tuesday, February 16, 2021.

Requests for accommodations or interpretive services must be made 8 hours prior to this meeting. Please contact the City Secretary at (830) 598-2424 for further information.



Elaine Simpson

Elaine Simpson, TRMC/MMC
City Secretary



City Of Granite Shoals
2221 N. Phillips Ranch Road
Granite Shoals, TX 78654
Phone (830) 598-2424 fax (830) 598-6538
www.graniteshoals.org

**MEETING MINUTES
PLANNING AND ZONING COMMISSION REGULAR CALLED MEETING HELD IN
PERSON AT CITY HALL COUNCIL CHAMBER AND ALSO
HELD VIRTUALLY VIA ZOOM SOFTWARE FROM
GRANITE SHOALS CITY HALL,
2221 N. PHILLIPS RANCH ROAD, GRANITE SHOALS, TX 78654
TUESDAY, JANUARY 19, 2021 6 PM**

The numbering below tracks that of the agenda, whereas the actual order of consideration may have varied.

CALL MEETING TO ORDER/WELCOME

P & Z Call to Order by Shannon Wilson; Chair at 6:01 PM.

Commissioners Present:

Shannon Wilson, Chair (via ZOOM)
Paul Fletcher, Vice Chair (via ZOOM)
Pete Borths
Anita Hisey

Commissioners Absent:

Susie Hardy
Flicia A. Orrange

City Staff Present:

Jeff Looney, City Manager
Elaine Simpson, City Secretary (recording secretary) present in Council Chamber

Others participating:

The City Hall was open to attendance by the public. However, a temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by

Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Commission. Emails may also be submitted. **Members of the public are entitled to view this meeting which will be conducted in person and via Zoom Teleconferencing.**

PUBLIC COMMENTS, ANNOUNCEMENTS AND ITEMS OF INTEREST

At this time, any person with business before the Commission not scheduled on the agenda may speak when recognized. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item please follow directions for submission of written comments. Members of the public who wish to submit written comments to be read into the meeting record must submit their comments by emailing citysecretary@graniteshoals.org or by calling 830-598-2424 for staff assistance.

Written Comments should be received at least two hours before the beginning of the meeting. For those wishing to participate possibly as a speaker in the meeting, please contact citysecretary@graniteshoals.org to register as a speaker and receive log-in instructions.

1) MEETING MINUTES

Discuss, consider and possibly take action to approve the meeting minutes from the Meeting of Planning and Zoning Commission on December 10, 2020.

Commissioner Fletcher moved, and Commissioner Borths seconded, to approve, as presented, the Planning and Zoning meeting minutes from December 10, 2020. Motion carried unanimously by a vote of 4-0.

2) REGULAR MEETING ITEMS

- a) Hear presentation from Trent Malik, discuss and consider his proposal for boat / personal storage units to be built possibly on Moss Downs Road.

Mr. Malik introduced the item and explained to the Commissioners that he would like to build some small storage garages on his property across Moss Downs from the Tropical Hideaway. He believes this will clean up the overall look of the area by allowing residents of Tropical Hideaway and Lake Front Condos to move boats and other items into garages. At this time, the residents of Lake Front Condos store boats on old tennis courts next to the parking lot. His property is triangular shaped and is currently zoned R-1. Would require being rezoned to a commercial zoning district that would allow this form of mini-warehouses for rent. He plans to initially build 30 units along Moss Downs Drive, and later 30 units along Circle Downs. The target market for these would be condo dwellers in this area.

The Commissioners discussed this proposal and reviewed pictures of the triangular lot, of the similar garages which belong to Tropical Hideaway, and also the picture of the tennis court at Lake Front Condos with boats parked on it.

The Commissioners requested guidance from the City Attorney regarding the options for re-zoning, which zoning district would allow mini-warehouses of this type. The property is currently zoned R-1. If this were re-zoned to R-2, could these mini-warehouses be built.

There was no official action taken. Mr. Malik will be on the P&Z agenda next month if City Attorney Katz has issued his guidance.

- b) Hear presentation from Jeremy Edwards of Live Oak Builders, discuss and consider his proposal for a showroom for his custom builders/custom cabinetry business possibly for N. Phillips Ranch Road.

Mr. Edwards called before the meeting started on 1-19-2021 and withdrew his request to speak.

No action was taken.

- c) Discuss and consider any updates regarding possible future Economic Development projects. *(City Manager Jeff Looney)*

Since City Manager Looney was not present at this meeting, this item was postponed to the next meeting of the Commission.

No action was taken.

- d) Discuss and consider updates regarding the progress of the Granite Shoals Short Term Rental Advisory Committee. *(Chair Shannon Wilson)*

Chair Wilson presented a brief update on the activities of the Short-Term Rental Advisory Committee. When the Committee gets their proposed Ordinance in the shape they want it, they will forward to the P&Z Commission to hold a Public Hearing and forward a recommendation to City Council. City Council will then hold a Public Hearing and vote on the Ordinance.

No formal action was taken.

- e) Discuss, consider and possibly take action regarding areas of the city for consideration of future city-initiated re-zoning to a new zoning district possibly to be called Manufactured Housing 3 –(MH-3), as discussed at previous two commission meetings.

Commissioner Hardy forwarded ideas for some of the proposed boundaries of this proposed new district. The Commissioners asked if a map could be drawn up to show outlines of the proposed boundaries on the map.

This item will be brought forward on a future agenda.

No formal action was taken.

3) FUTURE AGENDA ITEMS

- Update on current city Zoning District map.
- Update on progress of city staff subcommittee reviewing the Granite Shoals City Comprehensive Master Plan.
- Concerns regarding sub-standard housing. Legal guidance for available steps the City may take.

4) ADJOURNMENT

With no other items on the agenda and no objections from the Commissioners, Chair Shannon Wilson adjourned the meeting at 6:41 PM.

I, _____ Chair of the Planning and Zoning Commission for the City of Granite Shoals, Texas, certify that the attached are true and correct minutes taken from recordings and notes of the Planning and Zoning Commission Regular meeting held on January 19, 2021
_____ date _____



**City of Granite Shoals, Texas
Planning and Zoning Regular Meeting
Agenda Item Cover Memo
February 16, 2021**

Agenda Item:

2 REGULAR MEETING ITEMS

- a) Discuss / update on request of Trent Malik, discuss and consider his proposal for boat / personal storage units to be built possibly on Moss Downs Road.

At the January 19, 2021 P&Z Commission meeting, Mr. Malik shared his vision of developing his property on Moss Downs Rd. as a mini-warehouse / rentable garages type business. The land is currently zoned R-1, which will not allow this use. The Commissioners referred this issue to the city legal staff and at this time, the only zoning district that will support this type of business is GB-2.

City Staff agrees that the appropriate zoning would be GB-2.

Mr. Malik may if he chooses, apply for a rezoning of his property.



**City of Granite Shoals, Texas
Planning and Zoning Regular Meeting
Agenda Item Cover Memo
February 16, 2021**

Agenda Item:

2 REGULAR MEETING ITEMS

b.)_ Hear presentation from Steve Zbranek, regarding city-initiated zoning change to place a GB-1 overlay district on the west side of North Phillips Ranch RD where the base zoning is now R-2 Multi Family Residential, also known as proposed Ordinance 806.

Mr. Zbranek will discuss his proposed development for the West side of N. Phillips Ranch Road in an area that is currently zoned R-2 Multi-Family Zoning, but the city plans to initiate a zoning change to have the R-2 base zoning with a GB-1 Zoning overlay.



The City of Granite Shoals, Texas

PUBLIC NOTICE

Public Hearings to be held on proposed Ordinance #806
*Applying a GB-1 (General Business District 1) Zoning Overlay District on N. Phillips
Ranch Road over current R-2 Zoning*

The Planning and Zoning Commission of the City of Granite Shoals will hold a Public Hearing on Monday, March 1, 2021, during a Special Called meeting, which is open to the public, at 6:00 p.m., at City Hall, 2nd floor Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654. They will consider proposed Ordinance #806, to apply a GB-1 (General Business District 1) zoning overlay district over properties currently base zoned R-2 (Multifamily Residential), located on N. Phillips Ranch Rd. between W. Castlewood Dr. and W. Bluebriar Dr. This zoning change is initiated by the City of Granite Shoals, Texas.

Granite Shoals City Council will also hold a Public Hearing on Tuesday, March 9, 2021, during their regular meeting, open to the public, at 6:00 p.m., at City Hall, 2nd floor Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654 upon proposed Ordinance #806, to apply a GB-1 (General Business District 1) zoning overlay district over properties currently base zoned R-2 (Multifamily Residential), located on N. Phillips Ranch Rd. between W. Castlewood Dr. and W. Bluebriar Dr. This zoning change is initiated by the City of Granite Shoals, Texas.

Citizens are encouraged to attend these meetings and be heard. Additional information concerning this proposed Ordinance are available by contacting City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas 78654, Office of the City Secretary, (830) 598-2424 x 701, as well as visiting the official city website at www.graniteshoals.org.

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**CITY OF GRANITE SHOALS
ORDINANCE NO. 806**

“City-Initiated Application of GB-1 Zoning Overlay District – N. Phillips Ranch Road”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, APPLYING A GB-1 (GENERAL BUSINESS DISTRICT 1) ZONING OVERLAY DISTRICT ALONG NORTH PHILLIPS RANCH ROAD WITH BASE ZONING OF MULTIFAMILY RESIDENTIAL (R-2) PURSUANT TO THE ZONING ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, AND PROVIDING FOR THE FOLLOWING: A CHANGE TO THE CITY ZONING MAP; FINDINGS OF FACT; SEVERABILITY; REPEALER; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Texas (“Council”) seeks to promote the public health, safety, and general welfare of the residents of the City; and

WHEREAS, the City of Granite Shoals has adopted a Zoning Ordinance and Zoning Map to guide the orderly development and use of property within the City and its extraterritorial jurisdiction; and

WHEREAS, Chapter 211 of the Texas Local Government Code, Section 2.04 of the City Charter, and Chapter 40 of the City of Granite Shoals Code of Ordinances authorize the Council to adopt zoning regulations and to amend the Zoning Ordinance from time to time; and

WHEREAS, Section 40-29 of the Zoning Ordinance authorizes the City to apply zoning overlay districts to base zoning districts; and

WHEREAS, the City has initiated a request for the area described herein to be rezoned; and

WHEREAS, the proposed zoning changes have been reviewed by the Planning and Zoning Commission and the City Council, and all appropriate public hearings have been held in accordance with the Texas Local Government Code and the Granite Shoals Zoning Ordinance to obtain public input regarding the proposed revisions to the Zoning Map; and

WHEREAS, after due consideration of the recommendation of the Planning and Zoning Commission and any public comments regarding the proposed change to the city’s zoning regulations, the Council finds that the following application of a zoning overlay district is in the best interest of the health, safety, and welfare of the citizens of Granite Shoals and of the public generally;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. ZONING

The Official Zoning Map showing the location and boundaries of each zoning designation, as described in the City of Granite Shoals Code of Ordinances, Chapter 40 (Zoning), Section 40-4 (Establishment of zoning districts and boundaries, and governing building codes), subsection (b) (Zoning map), shall be and is hereby amended as follows:

Apply a GB-1 (General Business District One) zoning overlay district to the properties in on the west side of N. Phillips Ranch Road between W. Castlewood Dr. and W. Bluebriar Dr. that are identified in the attached Exhibit "A" with a base zoning district of R-2 (Multifamily Residential).

SECTION III. ZONING DISTRICT MAP

The City Secretary is hereby authorized and directed to make the necessary changes so as to reflect the provisions of this Ordinance on the Official Zoning Map of the City of Granite Shoals, Texas.

SECTION IV. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION V. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION VI. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such

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Ordinance No. 806 City-Initiated Application of GB-1 Zoning Overlay District – Phillips Ranch Road”

Adopted _____, 2021

inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VIII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at that this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Texas Zoning Enabling Act, Chapter 211 of the Texas Local Government Code.

PASSED AND APPROVED this ____ day of _____, 2021

Will Skinner
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Joshua Katz,
City Attorney

01305952;1

Ordinance No. 806 City-Initiated Application of GB-1 Zoning Overlay District – Phillips Ranch Road”

Adopted _____, 2021

oad - August 2019

~~There are no multi-family residences being built, and no developers have applied for building permits to build multi-family residential units (Duplexes or Townhomes) on any of the properties currently under consideration for rezoning.~~

If you have questions about this proposed re-zoning, or any other municipal matter, please call City Hall, at 830-598-2424 and ask to speak with Mr. Jeff Looney, the City Manager.



Figure 1 Zoning Map showing R-2 zoned area in grey color (circled) along N. Phillips Ranch RD



**City of Granite Shoals, Texas
Planning and Zoning Regular Meeting
Agenda Item Cover Memo
February 16, 2021**

Agenda Item:

2.d. Discuss and consider updates regarding the progress of the Granite Shoals Short Term Rental Advisory Committee, including review of the proposed Short Term Rental Ordinance #807. *(Chair Shannon Wilson)*

Chair Wilson will update the Commissioners related to the activities of the Short Term Rental Committee. At the STR Committee meeting on 2-22-2021, they will review the attached Short Term Rentals Ordinance.

As tentatively scheduled at this time, the P&Z will hold a special meeting on March 1, 2021 to consider forwarding a recommendation on this proposed agenda to the City Council. The City Council is scheduled to conduct their Public Hearing and consider proposed Ord. 807 at their regular meeting on March 9, 2021.



The City of Granite Shoals, Texas

PUBLIC NOTICE

**Public Hearings to be held on proposed Ordinance #807
“Short Term Rental Ordinance”**

The Planning and Zoning Commission of the City of Granite Shoals will hold a Public Hearing on Monday, March 1, 2021, during a Special Called meeting, which is open to the public, at 6:00 p.m., at City Hall, 2nd floor Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654. They will consider proposed Ordinance #807, Short Term Rental Ordinance, TO AMEND PART II: CODE OF ORDINANCES; CHAPTER 40: ZONING; SECTION 40-2: DEFINITIONS; TO REPEAL SECTION 40-9: BED AND BREAKFAST FACILITIES; TO REPEAL AND REPLACE SECTION 40-26: VACATION HOME RENTAL USE; TO AMEND APPENDIX B: SCHEDULE OF FEES AND CHARGES. This Ordinance is being forwarded to the Planning and Zoning Commission with a favorable recommendation from the Short-Term Rental Advisory Committee who will consider this Ordinance at their meeting on February 22, 2021, at 5:30 PM.

Granite Shoals City Council will also hold a Public Hearing on Tuesday, March 9, 2021, during their regular meeting, open to the public, at 6:00 p.m., at City Hall, 2nd floor Council Chamber, 2221 N. Phillips Ranch Road, Granite Shoals, TX 78654 upon proposed Ordinance #807 Short Term Rental Ordinance, TO AMEND PART II: CODE OF ORDINANCES; CHAPTER 40: ZONING; SECTION 40-2: DEFINITIONS; TO REPEAL SECTION 40-9: BED AND BREAKFAST FACILITIES; TO REPEAL AND REPLACE SECTION 40-26: VACATION HOME RENTAL USE; TO AMEND APPENDIX B: SCHEDULE OF FEES AND CHARGES.

Citizens are encouraged to attend these meetings and be heard, agendas and information related to attending via teleconferencing (ZOOM) can be found on the city website. Additional information concerning this proposed Ordinance are available by contacting City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas 78654, Office of the City Secretary, (830) 598-2424 x 701, as well as visiting the official city website at www.graniteshoals.org.

###

ORDINANCE NO. 807

“Short Term Rental Ordinance”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, TO AMEND PART II: CODE OF ORDINANCES; CHAPTER 40: ZONING; SECTION 40-2: DEFINITIONS; TO REPEAL SECTION 40-9: BED AND BREAKFAST FACILITIES; TO REPEAL AND REPLACE SECTION 40-26: VACATION HOME RENTAL USE; TO AMEND APPENDIX B: SCHEDULE OF FEES AND CHARGES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals, Texas (the “City”) seeks to provide for the safe and orderly development of land and use of property within its corporate limits; and

WHEREAS, the Council recognizes that the increased prevalence of short term rental usage of property in conjunction with recent court decisions have changed the regulatory landscape since the City first adopted its ordinances regulating vacation home rentals; and

WHEREAS, the Council finds that the following amendments are necessary to update and amend its vacation home rental and bed and breakfast ordinances to align with those changes; and

WHEREAS, the City recognizes its responsibility and authority to adopt ordinances that are necessary for the government of the City, its interests, welfare, the health and safety of the City, and good order of the City as a body politic.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. REPEAL, ADOPTION, AND AMENDMENT

Part II (Code of Ordinances), Chapter 40 (Zoning), Section 40-2 (Definitions) is hereby amended; Section 40-9 (Bed and Breakfast Facilities) is hereby repealed; Section 40-26 (Vacation Home Rental Use) is hereby repealed and replaced, and Appendix B, Schedule of Fees and Charges is hereby amended as follows:

“Sec. 40-2 Definitions.

...

Agent: -an individual or organization retained or utilized by owner to list, advertise, and/or manage short term rentals for an owner's residential property.

Bed and breakfast means a family residence where rooms are rented to transient guests on an overnight basis, serving primarily breakfast to those particular guests.

~~Dwelling Unit:~~ a suite of two or more habitable rooms that are occupied or that are used, designed, or intended to be occupied by one family, with facilities for living, sleeping, cooking, and eating.

~~Enforcement authority:~~ the ~~c~~City ~~m~~Manager of Granite Shoals or the person or department to whom the city manager may delegate enforcement responsibility.

~~Owner:~~ any person or legal entity claiming ownership or title of real property, including but not limited to:

- ~~(1) Holder of fee simple title.~~
- ~~(2) Holder of life estate.~~
- ~~(3) Holder of a leasehold estate for an initial term of five years or more.~~
- ~~(4) A buyer in possession, or having right of possession under a contract or deed.~~
- ~~(5) A mortgagee, receiver, executor, or trustee in possession or control or having right of possession or control of real property.~~
- ~~(6) Any agent who is responsible for managing, leasing, or operating of property.~~

~~Short Term Rental:~~ a dwelling unit (as defined in this section) intended for permanent occupancy that is occupied for transient use by any person other than the primary owner for any form of compensation and for a period of not less than one day, nor more than 30 consecutive days. The term "vacation home rental" does not include a bed and breakfast permitted and operated in accordance with this chapter.

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~~STR is an abbreviation of the term Short Term Rental~~

~~Tenant:~~ any person or agent, not the owner, who occupies a residence for any period of time.

~~Sec. 40-9 — Bed and breakfast facilities.~~

~~(a) — Purpose.~~ It is the purpose of this section to provide standards for bed and breakfast facilities, and to ensure that the facility complies with the applicable health, fire, and LCRA standards. A permit request will be considered by the planning and zoning commission and city council. The procedures for a hearing concerning a bed and breakfast permit request must follow those procedures outlined in the Texas Local Government Code. Before this hearing, the applicant must present a plot of the property with all requirements for a bed and breakfast as outlined in this section.

~~(b) — Standards.~~ Bed and breakfasts shall comply with all standards of the zoning district it is in plus the following special standards:

- ~~(1) — Breakfast for guests shall be the only meal served.~~
- ~~(2) — No cooking shall be permitted within the rooms. Outside grills are permitted.~~
- ~~(3) — No long term rental of rooms past 14 days are permitted.~~
- ~~(4) — All bed and breakfasts shall comply with the applicable local and state health, fire and LCRA codes. The facility shall be connected to the city water system.~~
- ~~(5) — No more than four bedrooms for guests will be allowed in R-1 and M-1 zones.~~
- ~~(6) — Guestrooms must be in the residence of the operator or in accessory buildings on the same premises.~~
- ~~(7) — A bed and breakfast may be operated only by a bona fide resident in or at his home. Such operator must be present (living in the home) while the bed and breakfast is in operation.~~
- ~~(8) — See the sign ordinance regarding signs for bed and breakfast.~~
- ~~(9) — Off street parking. See section 40-16(a)(1)r.~~

~~(c) Application procedures for a conditional use permit. The application for a conditional use permit for a bed and breakfast shall be submitted on a form obtained at the city hall. It shall be signed by the owner of the property and shall have attached to it the current state department of water resources, private individual sewage disposal system license.~~

~~(1) Fee. A one time administrative fee of \$25.00 is required. If a hearing is required, the fee will be \$100.00.~~

~~(2) Inspections. The facility may be inspected, in order to ensure that it complies with applicable building, health and fire codes.~~

~~(3) Permit limitations:~~

~~a. Once a conditional use permit has been issued for a bed and breakfast, it shall not be transferred to another location or owner.~~

~~b. The conditional use permit shall be valid only for so long as the bed and breakfast complies with the requirements of this chapter.~~

~~c. The city may immediately revoke or suspend the permit or deny either the issuance or renewal thereof, if it is found that:~~

~~1. The applicant or permittee has violated or failed to meet any of the provisions of this chapter or conditions of the permit.~~

~~2. Any required licenses have been suspended, revoked or canceled upon denial, suspension, or revocation. The city shall notify the applicant or permittee in writing of the action taken and the reasons thereof. After giving notice by certified mail, if the bed and breakfast has not been removed within 30 days, the city may cause the closure of any bed and breakfast found in violation of this chapter.~~

~~(4) Appeals. Any person aggrieved by the decision of the city under this section, may appeal the notice of cancellation, denial or suspension.~~

~~a. Appeals shall be submitted to the chairman of the board of adjustment in writing within 15 days following the date of mailing of the notice of cancellation, denial, suspension or revocation to the applicant or permittee.~~

~~b. The board of adjustment shall hear the appeal at its next possible meeting and thereupon make a recommendation to the city council to uphold, reverse or modify the decision, based upon the requirements of this chapter.~~

~~c. Any further appeal shall be to the county district court."~~

Sec. 40-16 Off-street parking and loading space requirements.

...
(1)

...

~~(r) Bed and breakfast. Off street parking shall be provided for the resident and a minimum of one space for each guest room.~~

~~Sec. 40-26 Vacation home rental use.~~

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~~(a) Zoning districts allowed. Vacation home rentals are allowed in the R-2 district only, except as provided by subsection (b) of this section.~~

(b) Existing vacation home rentals. A vacation home rental that is located in a zoning district that does not permit vacation home rental uses and that was in existence as of the date of this ordinance may continue, provided that it satisfies the following requirements:

(1) Registration. The property owner (or their authorized agent) shall register the vacation home rental with the city within 30 days of the effective date of the ordinance from which this section is derived. Registration shall require full disclosure of the complete ownership of the property. Requirements for registration are as follows:

a. The applicant shall prove that the vacation home rental use was established prior to the effective date of the ordinance from which this section is derived, and that the use has been continuously maintained during that time by presenting proof of reporting/payment to the city of the hotel occupancy tax (HOT) filed in 2011.

b. There shall be an annual re-registration that will establish the continuous proof of reporting/payment of the city hotel occupancy tax for the prior year. A \$150.00 annual application fee is required at the time of the filing of a registration form and at each renewal.

c. Address, legal description, and number of bedrooms of the property being used as a vacation home rental.

d. Any additional information that may be requested by the city necessary to make an informed decision regarding the application.

e. Contact information. Name, address and phone number of the homeowner and any management company authorized to by the owner commissioned to maintain this property.

(2) Burden of proof. The burden of establishing that a vacation home rental use was in existence prior to the effective date of the ordinance from which this section is derived rests entirely upon the person claiming such status.

(3) Denial of registration. The city may deny registration if it appears that the documents submitted by the owner or authorized agent are incomplete, not valid, or that the documents produced do not show the existence of the vacation home rental use in accordance with of this section. The city may also deny registration based on valid nuisance complaints filed with the city.

(4) Revocation. The city will, in writing, suspend or revoke a registration issued under the provisions of this section, whenever the registration is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure, or portion thereof is in violation of any ordinance of the city or applicable regulations.

(5) Signage. No signage is allowed, other than the premises address.

(6) Transferability. Registration of a vacation home rental does not transfer from one property owner to another.

(7) Abandonment and termination of a vacation home use.

~~a. A vacation home use is deemed abandoned and the right to operate the existing use shall terminate immediately if any of the following occur:~~

~~1. The hotel occupancy tax (HQT) has not been reported for two consecutive reporting periods of 90 days each.~~

~~2. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if any portion of the structure in which the existing use is located is dilapidated, substandard, or is not maintained in a suitable condition for occupancy during a continuous period of 120 days, unless a building permit is obtained.~~

~~b. A property owner may not resume an abandoned or otherwise terminated existing vacation home use.~~

~~c. Destruction of existing vacation home use. The right to operate and maintain any existing use shall terminate and shall cease to exist whenever the structure or any portion of the structure in which the existing use is operated and maintained is damaged or destroyed by fire, the elements or other intentional acts of the owner, operator, or third party, if the destruction amounts to 60 percent or more of its fair market value as determined by the tax appraisal roll, not including the value of the land, on the date of such damage or destruction. If the owner of a existing use fails to begin reconstruction of the destroyed building, when permitted to do so by city ordinances within 120 days of the date of destruction, the existing use shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue.~~

Sec. 40-26 Short Term Rentals (STR)

~~(a) Agent. For the purposes of this subsection, an Agent of an STR shall have the same responsibilities as owner of an STR.~~

~~(b) Owner. Owner of an STR shall maintain such premises in compliance with Chapter 8, Article V of this Code. An owner shall not let, rent, or lease an STR for occupancy or use in any manner that does not comply with the provisions of this Code.~~

~~(c) Owner and tenant. Every owner and every tenant of an STR shall maintain the premises in a clean, sanitary, and safe condition, including the disposal of rubbish, garbage, organic and inorganic waste, junk, or other waste in a lawful manner.~~

~~(d) Zoning districts allowed. Short term rentals are allowed in the R-1 and R-2 districts only, except as provided by subsection (e) of this section.~~

~~(1) Registration. The property owner (or their authorized agent) shall register the short term rental by filing a registration form with the city for each property to be used as a short term rental containing the following information:~~

~~a. Full disclosure of the complete ownership of the property.~~

~~b. Address, legal description, and number of bedrooms of the property.~~

~~c. Contact information, including name, address, and phone number(s) of the owner and of any agent or management company authorized by the owner to maintain the STR. This information shall be provided in order of whom should be contacted first, and shall indicate which individual on the contact list should be able to respond onsite to the subject property within 30 minutes of notification by a law enforcement authority or the City.~~

~~d. Any additional information that may be requested by the city that is necessary to make an informed decision regarding the application.~~

~~(2) Registration Period. Approved registrations are valid for a period of one year from date of approval.~~

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- (3) Registration fee. An annual application fee is required at the time of the filing of a registration form and at each renewal. The fee will be listed in Appendix B of this Code, Schedule of Fees and Charges. To be eligible for renewal, the applicant must provide continuous proof of reporting/payment of the city hotel occupancy tax for the prior year for the dates the property has been rented.
- (4) Denial of registration. The city may deny registration if:
- a. It appears that the documents submitted by the owner or authorized agent are incomplete, not valid, or that the documents produced do not show the existence of the short term rental use in accordance with this section;
 - b. Valid and unresolved nuisance complaint(s) have been filed with the city about the subject property;
 - c. The subject property does not comply with all applicable local and state health, fire, and LCRA regulations, statutes, or ordinances; or
 - d. An applicant seeking renewal fails to provide continuous proof of reporting/payment of the city hotel occupancy tax for the prior year.
- (5) Revocation. The city may, in writing, suspend or revoke a registration issued under the provisions of this section when it is determined that:
- a. The registration was issued in error or on the basis of incorrect information supplied,
 - b. The circumstances described in subsection (r) have occurred,
 - c. The short term rental use produces a nuisance as defined in the city's Code of Ordinances or otherwise results in a violation of any ordinance of the city or applicable regulation, or
 - d. The building or structure, or portion thereof, is in violation of applicable local and state health, fire, or LCRA regulations, statutes, or ordinances.
- (6) Transferability. Registration of a short term rental does not transfer from one property owner to another.
- (e) Non-conforming use. A short term rental that is located in a zoning district that does not permit short term rental uses and that was in existence as of the effective date of this Ordinance may continue its use as a short term rental, provided that it satisfies the following requirements:
- (1) Registration. The property owner (or their authorized agent) shall register the short term rental in compliance with section (d), and additionally provide the following information:
 - a. The applicant shall prove that the short term rental use was established prior to the effective date of this Ordinance, and that the use has been continuously maintained prior to that date by presenting proof of reporting/payment to the city of the hotel occupancy tax filed prior to the effective date of this Ordinance.
 - (2) Burden of proof. The burden of establishing that a short term rental use was in existence prior to the effective date of the ordinance from which this section is derived rests entirely upon the person claiming such status.
 - (3) Abandonment and termination of a non-conforming short term use.
 - a. A non-conforming short term use is deemed abandoned and the right to operate the existing use shall terminate immediately if any of the following occur:
 1. The hotel occupancy tax has not been reported for two consecutive reporting periods of 90 days each.
 2. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if any portion of the structure in which the existing use is located is dilapidated, substandard, or is not maintained in a suitable condition for occupancy during a continuous period of 120 days, unless a building permit is obtained.

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- b. A property owner may not resume an abandoned or otherwise terminated existing short term rental use.
- c. Destruction of existing short term rental use. The right to operate and maintain any non-conforming short term rental use shall terminate and shall cease to exist whenever the structure or any portion of the structure in which the existing use is operated and maintained is damaged or destroyed by fire, the elements, or other intentional acts of the owner, operator, or third party, if:
1. the destruction amounts to 60 percent or more of its fair market value as determined by the tax appraisal roll, not including the value of the land, on the date of such damage or destruction, and
 2. the owner fails to begin reconstruction of the destroyed building, when permitted to do so by city ordinances, within 120 days of the date of destruction, the existing use shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue.
- (f) Fire Inspections. The City has adopted the International Fire Code. Annual inspections may be conducted by the City to ensure that an STR property meets the current International Fire Code. Inspections will include verifying working smoke detectors and fire extinguishers.
- (g) Occupancy Limits. Overnight guest occupancy may not exceed two (2) persons per bed, including temporary beds such as roll-aways or pull-out couches, plus an additional two persons, not including infant sleeping accommodations. Overnight occupancy may not exceed four persons per designated bedroom.
- (h) Noise. Property shall be subject to Chapter 16, Article II of the City of Granite Shoals Code of Ordinances.
- (i) Parking. Property shall require one off-street parking spot for each bedroom of the STR. No on street parking is permitted, and no impediment to ingress and egress to surrounding properties is permitted.
- (j) Property exterior. Exterior grounds are to be maintained as specified in Chapter 8, Article V of this Code.
- (k) Pets. To the extent the property owner wishes to allow pets at an STR, the number of pets in an STR is a maximum of five pursuant to the applicable portions of Article IV of this Code, excluding the requirement to register the pet(s) with the City. If a pet is involved in an incident listed in Section 4-7(a)(1) of this Code, the pet owner must be able to show proof of pet's current rabies inoculation. If proof is not provided, Animal Control will take custody of the animal until such time as proof is provided, or the animal is euthanized per Section 4-9 of this Code.
- (l) Signage. No exterior signage is allowed, other than the premises address.
- (m) Trash and Recycling.
- (1) Containers. The number of trash containers required shall be based on the maximum number of overnight occupants permitted on the property. For 1-4 occupants, one container provided by the City's solid waste service provider is required; for 5-8, two containers are required; more than 8 occupants, three containers will be required.
 - (2) Owner/agent is responsible for ensuring that trash containers are placed in their pickup position not more than 24 hours prior to pickup, and returned to a storage location within 24 hours after pickup. Recycle bins are subject to the same requirements.
- (n) Exterior Lighting. No lighting shall be permitted results in direct or reflected glare into a nearby residence or into a public street that creates a driving hazard. Lighting shall be hooded or shielded. This excludes streetlights.
- (o) Information to be provided to each STR renter by the owner or agent.
- (1) Maximum number of overnight guests permitted.

Commented [JK1]: The committee would like ZAPCO and City Council to considering modifying other sections of the city's Code to specify an occupancy limit for all residential properties, not just STRs.

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- (2) Maximum number of parking spaces allocated to the property, and location of offsite parking, if available.
- (3) 24 hour contact number(s) of owner/agent.
- (4) Telephone number of City Utilities Department.
- (5) Notification of what constitutes trash and what items are recyclable.
- (6) Notification of trash pickup day.
- (7) Notification of recycle pickup day.
- (8) Other information as may be deemed pertinent by owner/agent or the City.

(p) The city manager and/or his or her designee may enforce the provisions of this Section.

(q) Enforcement shall be as specified in Section 8-133 of this Code.

(r) Penalties. Following the issuance of a citation to an STR tenant of a violation of this Ordinance by the city's enforcement authority, the owner shall be notified of the citation and the following penalties shall apply to the owner:

- (1) First offense in a twelve month period, a warning citation shall be issued to owner.
- (2) Second offense in a twelve month period, a fine of \$100 shall be levied on owner.
- (3) Third offense in a twelve month period, a fine of \$250 shall be levied on owner.
- (4) Fourth offense in a twelve month period, a fine of \$500 shall be levied on owner, and owner's STR registration permit shall be suspended for a period of six (6) months from the date of payment of the fine.
- (5) The owner of an STR is responsible for payment of any citations issued to that owner's tenant if the tenant does not pay the citation within the required timeframe.

Appendix B – Schedule of Fees and Charges

Section N. Administrative fees.

Vacation home rental registration per year	\$7+50.00
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SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE.

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid,

or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE.

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

This ordinance shall become effective upon passage and adoption in accordance with State Law.

Passed and approved this ____ day of _____, 2021.

Will Skinner, Mayor

ATTEST:

Elaine Simpson, City Secretary

Approved to Form:

Josh Katz, City Attorney