



City of Morgan's Point Resort

Agenda

Planning & Zoning Commission

Workshop Session

Tuesday, May 26, 2026

5:00 PM

CITY HALL – Library
8 Morgan's Point Blvd

THE PLANNING & ZONING COMMISSION OF THE CITY OF MORGAN'S POINT RESORT, TEXAS WILL CONVENE AT THE LOCATION AND TIMES STATED ABOVE TO HOLD A WORKSHOP TO ALLOW THE PLANNING & ZONING COMMISSION MEMBERS TO COMMUNICATE AND ASSESS THE ITEMS CONTAINED IN THIS AGENDA. THE ITEMS LISTED BELOW ARE FOR DISCUSSION PURPOSES ONLY AND NO FORMAL ACTION OR VOTES WILL BE TAKEN. AS A QUORUM OF THE MEMBERS OF THE PLANNING & ZONING COMMISSION MAY BE PRESENT, THIS AGENDA IS BEING POSTED IN COMPLIANCE WITH CHAPTER 551 TEXAS GOVERNMENT CODE AND THE TEXAS OPEN MEETING ACT.

1. **Call to Order**

2. **Announcement and Citizen Comments**

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

3. **Presentation**

Presentation regarding signage along new sidewalk and other streets in MPR. What the regulations are from the High School and City Limit to City Limit. Include TxDot, no signage expected from TXDOT at this point.

4. **Regular Agenda**

- a. Discussion on appeal letter sent to the owners at 18 Robin Circle.
- b. Discussion on Home Occupation business draft ordinance.
- c. Discuss Chapter 4 ordinance development for short-term rental residence.

5. **Adjournment**

I certify that a copy of the 5-26-2026 agenda of items to be considered by Morgan's Point Resort was posted and could be seen on the City Hall bulletin board and Morgan's Point Resort website on 5-18-2026 at 4:00 PM and remained posted continuously for at least 72 hours succeeding the scheduled time of the meeting. 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 254-780-1334 ext. 104 for further information.

Kelli Merolillo, City Secretary



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**CITY OF
MORGAN'S POINT RESORT**

8 Morgan's Point Blvd | Morgan's Point Resort, TX 7651

May 18, 2026

Edeltraud Mueller Rosado
144 Tonkawa Rdg.
Hutto, Texas 78634

Re: Planning and Zoning denial of Specific Use Permit at 18 Robin Circle

Dear Ms. Rosado:

The Planning and Zoning Commission of Morgans Point Resort has reviewed your request for a Specific Use Permit to operate the above resident as an Air B&B. At the meeting held on April 30, 2026, the Planning and Zoning Commission voted to deny your application.

Reason for Denial:

The request was denied based on the following findings of fact:

- No applicant or authorized representative was present at the public hearing to respond to questions or concerns raised by the Planning and Zoning Commission or neighboring property owners.
- During the public hearing, Planning and Zoning received public comments from a neighboring resident expressing concerns regarding potential impacts to surrounding residential properties and fire safety concerns associated with short-term rental occupancy.

Appeal Process:

If you disagree with the decision, you have the right to appeal to the City Council within 15 days of this notice. An appeal letter must be submitted to the City Secretary no later than June 1, 2026.

If you have any questions regarding this decision, please contact the Morgans Point Resort Building Official at 254 780-1334.

Sincerely,
Kenneth W. Hobbs
Planning and Zoning Chair

List of Questions for Developing a Section on Home Occupation within the MPR Ordinances

General Definition and Scope

1. What qualifies as a home occupation?
2. What types of businesses are permitted or prohibited?
3. Are there different categories of home occupations (e.g., minor vs. major)?

Permitting and Licensing

1. Is a permit required for home occupations?
2. What is the application process for obtaining a home occupation permit?
3. What fees, if any, are associated with the application?

Size and Scale Limitations

1. What is the maximum square footage allowed for home occupation use?
2. Are there restrictions on the number of clients or customers that can visit the home?
3. What limitations exist on the number of employees working on-site?

Impact on Neighborhood

1. What regulations are in place to limit noise, traffic, or parking issues?
2. How will the ordinance address potential nuisances to neighbors?
3. Are there guidelines for signage advertising the home occupation?

Safety and Compliance

1. What health and safety regulations must be adhered to?
2. Are there zoning or building code requirements that must be met?
3. What insurance or liability coverage is required for home occupations?

Duration and Renewal

1. Is there a time limit on how long a home occupation permit is valid?
2. What is the process for renewing or revoking a home occupation permit?

Enforcement and Compliance

1. How will compliance with the home occupation ordinance be monitored?
2. What are the penalties for non-compliance?

3. Is there an appeal process for denied permits or violations?

Community Input and Feedback

1. How will community input be gathered during the development of this ordinance?
2. Are there opportunities for public hearings or consultations?

Future Considerations

1. How will changes in technology or work patterns (e.g., remote work) be accommodated?
 2. Is there a need for periodic review or updates to the home occupation ordinance?
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Ordinance Codes

Home Occupation Definitions

1. City of Temple TX Ordinance Code

Sec. 11.2. Defined Terms

Home Occupation. A home occupation is an occupation carried on in the home by a member of the occupant's family, secondary to the use of the dwelling for dwelling purposes.

2. City of Harker Heights TX Ordinance Code

§ 155.084 HOME OCCUPATIONS. (8/17/09) (A) Definition. A HOME OCCUPATION is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

3. Village of Salado TX

Home Occupation: An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

4. City of Killeen TX

Sec. 31-186. - Use regulations

Definition. A home occupation is an accessory use of a dwelling unit or garage for gainful employment, involving the provision of goods and/or services.

5. City of Nolanville TX

Article II Definitions: 201.1 Interpretation of words and terms.

Home Occupation: an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; with the employment of no more than 1 person other than members of the immediate family; without the use of any lighting or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

City of Killeen, Texas

DIVISION 4. - DISTRICT "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT, Sec. 31-186. - Use regulations

5. Home occupations are permitted accessory uses only so long as all the following conditions are observed:

- (i) No persons other than resident occupants of the premises shall be engaged in such occupation;
- (ii) The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that for purposes of a telephone directory listing, a telephone number, but no business address, may be published;
- (iii) In no way shall the outside appearance of the dwelling be altered from its residential character;
- (iv) Performance of the occupation activity shall not be visible from the street;
- (v) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, the use shall not increase the number of vehicles parked on the premises by more than two (2) additional vehicles at a time. All customer/client parking shall be off-street and other than in unpaved areas of the front yard;
- (vi) There shall be no outside storage, (to include trailers), or display related to the home occupation;
- (vii) No home occupation shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;
- (viii) One (1) commercial vehicle, capacity of one (1) ton or less (excluding attached trailers) may be used or parked on the property in connection with the home occupation;
- (ix) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises;

Temple, Texas

Article 5 Use Standards

5.5.4 Home Occupations

The following regulations apply to the conduct of home occupations in any zoning district.

A. General Standards

1. A home occupation must take place in the main structure only.
2. The use of a dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and must under no circumstances change the residential character of the dwelling.
3. Additional persons from outside the family living at the home may not be employed at the home occupation.
4. A sign advertising the home occupation is not permitted.

B. Prohibited Characteristics

A home occupation is not permitted that creates obnoxious noise, odor, increased traffic or generation of light or smoke.

C. Prohibited Uses

Notwithstanding compliance with subsection A above, prohibited home occupations include, but are not limited to the following uses:

1. Repair garage;
2. Beauty shop;
3. Barber shop; or
4. Sexually oriented business.

(x) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(xi) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

6. Home occupations may, subject to the requirements of subsections 31-186(13)c.1—5, include, but are not necessarily limited to, the following:

(i) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(ii) Author, artist or sculptor;

(iii) Dressmaker, seamstress, or tailor;

(iv) Music/dance teacher, or similar school of instruction, provided that instruction shall be limited to no more than one (1) pupil at a time;

(v) Individual tutoring;

(vi) Millinery;

(vii) Minister, rabbi, priest or member of religious orders;

(viii) Home crafts such as rug weaving, model making;

(ix) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether said individual or individuals are self-employed or otherwise, and provided that no retail or wholesale transactions or provision of services are made on the premises;

(x) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items, provided the item does not have an internal combustion engine; and

(xi) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises.

7. Permitted home occupations shall not in any event be deemed to include:

(i) Animal hospitals or clinics, commercial stables, or commercial kennels;

- (ii) Schools of instruction of any kind with more than one (1) pupil at a time unless such school was established prior to the date of passage of this section;
- (iii) Restaurants;
- (iv) Automobile, boat or trailer paint or repair shops (major or minor);
- (v) Doctor, dentist, veterinarian or other medically related offices;
- (vi) On-premises retail sales, except garage sales as otherwise provided in this Code;
- (vii) Laundromats with more than one (1) washing machine and one (1) dryer;
- (viii) Mortuaries;
- (ix) Private clubs;
- (x) Trailer rentals;
- (xi) Repair shops or service establishments, except as provided in subsection 31-186(13)c.6.(x) above;
- (xii) Carpentry work;
- (xiii) Photo developing or photo studios;
- (xiv) Upholstering;
- (xv) Antique shops;
- (xvi) Gift shops;
- (xvii) Repair shops for any item with an internal combustion engine; and
- (xviii) 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.

8. No conditional use permit as provided in section 31-456 of this chapter shall be issued for any home occupations prohibited by subsection 31-186(13)c.7. above.

9. The provisions of this section shall apply to all home occupations, regardless of the date of their creation/existence, unless specifically exempted by subsection 31-186(13)c.7.(viii), or temporarily exempted by subsection 31-186(13)c.8. above.

City of Harker Heights

§ 155.084 HOME OCCUPATIONS. (8/17/09)

(A) Definition. A HOME OCCUPATION is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

(1) Persons conducting a home occupation are required to comply with, and are subject to, any other laws, rules and regulations affecting the occupation and the property.

(2) Home occupations are permitted incidental uses only so long as all the following conditions are observed:

(a) The Texas tax identification number must be provided with the application.

(b) A sign not larger than 324 square inches (e.g., 18 inches by 18 inches) affixed to the wall or door is permitted. The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that, for such purposes, a telephone number, but no business address, may be published.

(c) In no way shall the outside appearance of the dwelling be altered from its residential character;

(d) Performance of the occupation activity shall not be visible from the street (curtains or blinds may be used to accomplish this purpose);

(e) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, except as provided in division (g), there shall be no more than two additional cars parked on the premises or adjacent to it for non-residents, including clients and employees. Parking shall not be permitted in the front or side yards, unless paved according to city standards;

(f) There shall be no outside storage (to include trailers) or display related to the home occupation;

(g) One commercial vehicle, not for advertising, having a capacity of one ton or less (excluding attached trailers), may be used or parked on appropriate pavement on the property in connection with the home occupation;

(h) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(i) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(B) Occupations included. Home occupations may include, but are not necessarily limited to, the following:

(1) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(2) Author, artist or sculptor, photographer;

(3) Dressmaker, seamstress or tailor;

(4) Music/dance teacher or other type of instruction;

(5) Individual tutoring;

(6) Home crafts such as rug weaving, model making;

(7) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether such individual or individuals are self-employed or otherwise; and provided that no retail or wholesale transactions or provision of services are made on the premises;

(8) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items; provided the item does not have an internal combustion engine;

(9) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises;

(10) Personal grooming with one customer at a time, by appointment only.

(C) Occupations not included. Permitted home occupations shall not in any event be deemed to include:

- (1) Animal hospitals or clinics, commercial stables or commercial kennels;
- (2) Restaurants;
- (3) Automobile, boat or trailer paint or repair shops (major or minor);
- (4) Doctor, dentist, veterinarian, sex therapy, massage therapy or other medically related offices;
- (5) On-premise retail sales, except garage sales as otherwise provided in this code;
- (6) Mortuaries;
- (7) Private clubs;
- (8) Trailer rentals;
- (9) Carpentry work;
- (10) Photo developing using chemicals;
- (11) Gift shops;
- (12) Repair shops for any item with an internal combustion engine; and
- (13) 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.

(D) Application of provisions. The provisions of this section shall apply to all home occupations, regardless of the date of inception, unless previously authorized in writing by the city.

(E) Home occupations not listed in this section.

- (1) Persons wishing to operate home occupations which are not expressly permitted or prohibited by this section may make written request to the Planning and Development Director for a formal review of the proposed home occupation.
- (2) The Planning and Development Director shall review the request to determine the appropriateness within the established general guidelines. If the Director makes a favorable determination, the request shall be forwarded to the Planning and Zoning Commission for hearing.

(3) The Planning and Zoning Commission shall, in accordance with applicable law, review all requests forwarded by the Director, and submit a final report and recommendation to the City Council.

(4) The City Council shall then, in accordance with applicable law, review and consider action on the request.

(5) Any person requesting a formal review to permit a particular use not otherwise permitted shall, at the time such request is submitted, pay a non-refundable fee established by the City Council.

(F) License revocation. Home occupations are subject to review by the city, should violations be reported or observed. Licenses shall be revoked for noncompliance.

Village of Salado, Texas

V. Development Standards & Use Regulations

Section 5.7: Home Occupation Regulations

A. Purpose: Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

B. Special Provisions for Home Occupations:

1. Home occupations shall be permitted as accessory use in single-family residential zoning districts provided that they comply with all restrictions herein;
2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
3. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
5. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
6. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
7. One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used, or parked behind the front building line on the property, in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;

8. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
9. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use;
10. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
11. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;
12. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
13. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio or visual means;
14. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and,
15. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

C. Applicability of Other Regulations: Home occupations shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.

D. Uses Allowed as Home Occupations: Subject to the provisions of this Section 5.7, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
2. Author, artist or sculptor;
3. Dressmaker, seamstress or tailor;

4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;
5. Individual tutoring and home schooling;
6. Office facility of a minister, rabbi, priest or other clergyman;
7. Home crafts, such as rug weaving, model making, etc.;
8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
11. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children or adults;
12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served at a time; and
13. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.

E. Uses Prohibited as Home Occupations: Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than 2 horses per acre or kennels;
2. Restaurants or on-premises food or beverage, including Private Clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are

produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;

5. Commercial clothing laundering or cleaning;
6. Mortuaries or funeral homes;
7. Trailer, vehicle, tool or equipment rentals;
8. Repair shops for any items having internal combustion engines; and,
9. Any use that would be defined by the Building Code as an Assembly, Factory or Industrial, Hazardous, Institutional or Mercantile occupancy.

F. Home Occupation Uses Not Classified Herein: Any use that is not either expressly allowed nor expressly prohibited by Section 5.7.D and Section 5.7.E, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Board of Aldermen, subsequent to an affirmative recommendation by the Commission.

G. Effect of Section 5.7 Upon Existing Home Occupations:

1. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 2.1 provided that the owner or proprietor of such home occupation register his or her business with the Village within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

2. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the Village as described in Section 5.7.G.1 above.

City of Nolanville, Texas

DIVISION 9 Permitted Use Conditions

§ 615.8 Home-Based Business.

A home-based business shall be permitted as an accessory use to a dwelling unit, subject to compliance with the following conditions:

- (a)** A home-based business shall be permitted only when it is an accessory use to a detached single-family dwelling unit.
- (b)** A home-based business shall not involve any external structural alteration of the main building.
- (c)** A home-based business shall be conducted wholly within the main building, and not in any accessory building. The total floor area to be used for a home-based business shall not exceed twenty percent (20%) of the total floor area of the main building, including garages. Notwithstanding the above, instructional classes may be held outside of the main building, providing a maximum of six (6) students may be allowed in each session and other stipulations of this section are met.
- (d)** Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home-based business shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.
- (e)** No outdoor storage of materials, goods, supplies or equipment shall be allowed.
- (f)** A home-based business shall not involve more than four (4) patrons on the premises at one time.
- (g)** Any outdoor activities associated with a home-based business shall be screened from the neighboring property by a solid fence of at least six (6) feet in height.
- (h)** A home-based business may include the sale of products on the premises, provided that compliance is maintained with all other conditions specified in this section.
- (i)** A home-based business shall produce no offensive noise, vibration, smoke, electrical interference, dim [sic] odors or heat in excess of those normally found in

residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

(j) A home-based business shall not include the physical or medical treatment of persons or animals, beauty shops, dance studios, carpenter shops, electrical shops, massage establishments, plumber shops, heating and air conditioning shops, radio shops, auto repairing or painting, furniture repairing, sign painting or similar activities.

(k) Off-street parking must be provided for and utilized by nonresident employee if applicable.

(Ordinance 6051-12 adopted 5/17/12)

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Appendix B of Chapter 14

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

Section 10. - Single-family Residential.

10.1 General Purpose and Description. The single-family residential district is intended to provide for development of single-family detached dwelling units. Other uses, such as religious and educational facilities, and open spaces, will also be allowed to maintain a balanced, orderly, convenient and attractive residential area.

10.2 Permitted Uses.

1. Single-family detached dwellings

2. Greenhouses and gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale *business* is conducted on the premises except as allowed as a *home occupation*

3. The keeping of dogs, cats, and other normal household pets, according to Ordinance 14-7 [[chapter 2](#) of the Code of Ordinances].

4. Real estate sales offices during the development of residential subdivisions in which the office is located

5. Temporary buildings for uses incidental to construction work on the premises, which said building shall be removed upon completion or abandonment of construction work, by order of the Building Official

6. Accessory buildings as established in [Section 18](#) of this Ordinance

7. Telephone exchange, provided no public *business* and no repair or outside storage facilities are maintained

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8. Swimming pool (private)

9. A temporary bulletin board or sign appertaining to the lease, hire or sale of a building premise or acreage

10 Utilities (public or private)

11 Family *Home*

12 Community *Home*

13. Three (3) "garage sales" per twelve-month period. New or used property acquired or consigned solely for the purpose of resale shall not be displayed or offered for sale or trade. Garage sales shall be conducted only during daylight hours and shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

14. Such uses as may be permitted under the provision of Specific Use Permits, [\[section 15\]](#).

Section 15. - Specific Use Permit.

15.1 Specific Uses. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize application [sic] and shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction [construction] of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The Planning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

15.2 Specific Use Permit Regulations.

A. In recommendation that a Specific Use Permit for the premises under consideration be granted, the Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property in the vicinity of the premises under consideration, and shall make recommendations as to the requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and

2A

compatibility of buildings. The Zoning Commission and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
2. Are the activities requested by the applicant normally associated with the requested use?
3. Is the nature of the use reasonable?
4. Has any impact on the surrounding area been mitigated?

B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of *occupancy* may be issued by the building official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of *occupancy*. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of *Occupancy*.

C. No Specific Use Permit shall be granted unless the applicant, owner and grantee or [of] the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Zoning Commission and City Council.

D. If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council, may authorize an extension of this time upon recommendation by the Zoning Commission. After six (6) months from the date of approval has elapsed, the Zoning Commission and City Council may review the site plan for continued validity. If the site plan is determined invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit.

E. No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.

F. The City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditioned and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.

15.3 Use Regulations. A building permit or premises used for any of the following purposes shall be permitted by Specific Use Permit only unless already allowed by right in a District's Permitted Uses.

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

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

Fee Schedule

Home Occupation-Standard Fee \$ 25.00

With P&Z Council Review \$250.00

SF—Single-Family Residential and MF—Multifamily Residential

1. Bed and Breakfast Inn or facility, Tourist *Home* or Short-Term Rental.
 - a. A maximum of 8 adults and 3 motor vehicles for a structure with 3 or more bedrooms.
 - b. A maximum of 6 adults and 2 motor vehicles for a structure with 2 Bedrooms.
 - c. A maximum of 4 Adults and 2 motor vehicles for a structure with only one bedroom.
 - d. A maximum of 2 household pets for each structure. Dogs, cats and domestic ferrets must be currently vaccinated (annually) for the rabies virus.
2. Charitable organization other than church or rectory
3. Child Care in Place or Residence (less than 10 children)
4. Church or ancillary buildings
5. Country Club or golf course and related uses such as driving ranges, but not including similar forms of commercial amusement such as miniature golf
6. Hospital
7. Modular or industrialized housing unit (excluding manufactured housing)
8. Post office

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9. Public utilities such as electric substation and transmission line (installations such as electric substations, gas reg. stations, etc., and office, repair, storage, or production facilities must be located more than 10 feet from residential units)

10. Home occupations

Section 18. - Accessory Building and Use Requirements.

18.1 General.

A. An accessory building shall not be used for commercial purposes and shall not be rented in districts zoned Single-Family Residential (SFR), Multifamily Residential (MFR), or Manufactured Housing (MH).

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Chapter 4 Business Regulations, Article 4.06

Sec. 4.06.001 APPLICABILITY.

This chapter applies to all short-term rental properties, bed and breakfast properties, and operators unless expressly provided otherwise herein.

Sec. 4.06.002 PURPOSE AND INTENT.

(A) The purpose of this chapter is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the registration and regulation of short-term rentals and bed and breakfast properties and to ensure the collection and payment of hotel occupancy taxes.

(B) The intent of this chapter is to preserve the neighborhood character of residential subdivisions within the City of Morgans Point Resort and to minimize adverse impacts to residential subdivisions caused by STR and B&B properties.

Sec. 4.06.003 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

BED AND BREAKFAST or B&B. A resident managed residential property where short term lodging is provided that contains no more than ten guest rooms and where breakfast service may be provided to overnight guests only. The resident manager must reside on the property and be present on the property for the duration of any short-term rental. The property may be rented out to multiple short term lodging groups at the same time.

BUILDING OFFICIAL. The Building Official or their designee.

CITY MANAGER. The City Manager or their designee.

HOTEL OCCUPANCY TAX. The hotel occupancy tax required to be assessed and collected for the operation of any short-term rental or bed and breakfast and paid pursuant to TEX. TAX CODE, CH. 351, as amended, and Chapter 11 Article 11.03. Hotel Occupancy Tax per (Ord. No. 23-3, § 7, 9-7-79) of the Morgans Point Resort Code of Ordinances.

LIFE SAFETY INSPECTION. The interior and exterior inspection of the property to verify no potential hazards.

OPERATOR. Any person, firm, or corporation who operates a short-term rental or bed and breakfast.

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OWNER. Any person, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property.

RESIDENTIAL DWELLING or RESIDENTIAL PROPERTY. A single-family dwelling, an apartment house, a condominium, a duplex, a townhome, a manufactured home, or any portion of such dwellings, including an accessory dwelling unit.

SHORT-TERM RENTAL or STR. The use of a residential dwelling rented to members of the public for consideration on a temporary or transient basis, where the owner, host, or operator is either present on site or is not present on site during the rental period, and used by guests for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

SHORT-TERM RENTAL UNIT. Any building or portion thereof, which is designed or used for short-term rental purposes.

REGISTRATION FOR SHORT TERM RENTALS AND BED AND BREAKFASTS.

(A) No person may make available for short-term rental any building or structure within the City of Morgans Point Resort unless such building or structure has previously been registered as a STR in accordance with this chapter and is operated in compliance therewith. No person may operate a bed and breakfast within the City of Morgans Point Resort unless such building or structure has been registered as a B&B in accordance with this chapter and is operated in compliance therewith.

(B) *Registration and permitting process.*

(1) Prior to operating a short-term rental or bed and breakfast, the owner or operator of the STR or B&B shall obtain a STR Registration form or B&B registration form from the Building Official.

(2) The owner/operator of a short-term rental or bed and breakfast must submit the following information on the registration form:

(a) The owner/operator's name, address, email address, telephone number and number at which the owner/operator can be contacted by text message. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the registered agent;

(b) The name, address, email address and 24-hour phone number for a local contact person. The local contact person is the person that must be designated by the owner/operator who must be available 24 hours per day, seven days per week for the purposes of:

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1. Responding in person within one hour to any complaint regarding the condition, operation or conduct of occupants of a STR unit or B&B; and

2. Taking remedial action to resolve any such complaints.

(c) The name and physical address of the proposed STR unit or B&B.

(d) The number of bedrooms and the applicable overnight and daytime occupancy limit of the proposed STR unit or B&B.

(e) Site plan indicating location of parking, one off-street parking space per bedroom in the STR unit or B&B is required.

(f) Such other information as the Building Official deems necessary to administer this section.

(3) Previously existing short-term rentals or bed and breakfast. A previously existing STR or B&B that was in continuous use for the 12 months preceding the effective date of this chapter is allowed to continue, subject to the following:

(a) An owner/operator must provide a sworn affidavit and demonstrate to the satisfaction of the City Manager or their designee that the STR or B&B was being used as a STR or B&B on a continuous basis for the 12 months preceding the effective date of this chapter; and

(b) An owner/operator of a short-term rental or bed and breakfast provides proof in establishing that the STR or B&B meets all requirements of this section; and

(c) An owner/operator shows proof of remitted state and local hotel occupancy taxes due for a period that covers at least 12 months immediately preceding the effective date of this chapter; and

(d) An owner/operator, within 60 days of the effective date of this section, must apply for a Previously Existing STR or B&B Exemption on an application form provided by the Building Official; and

(e) An owner/operator pays the permit fee as required by this chapter.

(f) Such other information as the Building Official deems reasonably necessary to administer this chapter.

(4) *Life safety inspection.*

(a) Prior to approval of a short-term rental or bed and breakfast registration or renewal, the operator shall allow, with reasonable notice, an on-site inspection of the STR

or B&B by the City Building Official and/or Fire Marshal to ensure compliance with minimum health and safety requirements for use and occupancy. If the premises fails to pass an inspection, a re-inspection fee may be charged for each subsequent inspection in accordance with the fee established by the city. If, upon completion of an inspection, the premises are found to be in violation of the provisions of this chapter, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy. The applicant shall pay a reinspection in accordance with the city's fees ordinance.

(b) *Minimum fire and life safety requirements for single family and duplex STR and B&B.* Each operator shall ensure these minimum standards are met:

1. Exit routes and building site plan posting in common area and bedrooms.
2. Interconnected smoke alarm in accordance with currently adopted Building and Fire Codes.
3. Carbon Monoxide (CO) detectors mounted on each floor (if required).
4. GFCI's as required by the current 2015 International Residential Code.
5. Exit ladders are readily available in each upstairs bedroom (minimum of one code compliant window per room).
6. Every door and window that leads to the outside is operational.
7. 5# Dry-Chem fire extinguisher mounted in full sight in common area of each floor.
8. Class K fire extinguisher mounted in full sight within the kitchen area, or the range top will be protected by the appropriate "Stovetop Firestop" product.
9. Wood, charcoal, or pellet fueled outdoor cooking or burning devices shall be in accordance with currently adopted Fire Codes. A water source (water hose) shall be located within 20 unobstructed feet of the fire source.
10. First Aid Kit (mounted in easily accessible area).

Sec. 4.06.004 REGISTRATION FEE.

(A) Short term rentals and bed and breakfasts are subject to a registration fee as established by the City Council. The STR registration fee shall be \$75 per residential dwelling until and unless changed or modified by the City Council. The B&B registration fee shall be \$75 until and unless changed or modified by the City Council.

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(B) Each individual property utilized as a short-term rental or bed and breakfast must be registered separately.

(C) Each registration shall expire annually on December 31 of each calendar year. Thereafter, registration shall be renewed annually. There shall be no pro rata reduction of a registration fee.

(D) An owner of a short-term rental or bed and breakfast shall designate an agent or representative, to comply with the requirements of this section on behalf of the owner if the owner is absent from the area.

Sec. 4.06.005 HOTEL OCCUPANCY TAX.

(A) *Hotel occupancy tax.* It is a condition of the initial and continued validity of a short-term rental registration or bed and breakfast registration that the operator has paid and remains current on the payment of all hotel occupancy taxes owed to the city under the TEX. TAX CODE, CH. 351, as amended, and Chapter 11 Article 11.03. Hotel Occupancy Tax per (Ord. No. 23-3, § 7, 9-7-79) of the Morgans Point Resort Code of Ordinances.

(B) The operator shall remit to the city's Finance Department, all city hotel occupancy taxes collected pursuant to law by the last business day of the month following each quarterly period.

Sec. 4.06.006 MINIMUM STANDARDS OF CONDUCT.

(A) The owner or operator of a short-term rental or bed and breakfast shall comply with all applicable laws, rules and ordinances pertaining to the use and occupancy of property within the City of Morgans Point Resort.

(B) The owner or operator shall provide a brochure or other publication to all renters of the short-term rental or bed and breakfast which contains information that shall provide basic, minimum standards of conduct for the renters during their visit to the City of Morgans Point Resort. Such brochure shall address the following:

(1) Advise renters that there is no parking on the grass within the city and ask guests to park on the property or directly in front of the property, if possible;

(2) Encourage renters to be considerate of neighbors and full-time residents of the area;

(3) Advise renters of the noise ordinance levels and hours, and ask renters not to create unreasonable noises or disturbances or to engage in disorderly conduct and should discourage renters from playing amplified music outside;

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(4) Provide instructions to renters concerning disposal of garbage and handling of garbage containers; and

(5) Provide the renters with the phone number for the City of Morgans Point Resort Police Department.

Sec. 4.06.007 GENERAL CONDITIONS FOR BOTH SHORT-TERM RENTALS AND BED AND BREAKFAST.

(A) The operator shall maintain a current guest register.

(B) Must adjoin a public street.

(C) Will always be considered as a residential use for purposes of determining privacy fence requirements, if any.

(D) On a residentially zoned property, all lighting shall be directed toward the establishment and not the surrounding neighbors.

(E) The operator must post conspicuously in a common area of each unit the name and contact information of the operator as well as the occupancy limits and restrictions on noise.

(F) Functions such as meetings, receptions, weddings or other social events provided for compensation or held by guests are not permitted unless the SRT or B&B is located in a commercial zoning district, or a Planned Development zoning district.

(G) Any advertisement that promotes the availability, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Business Registration (Permit) number assigned by the city.

(H) On commercially zoned property, signage shall comply with city ordinances.

Sec. 4.06.008 OTHER CONDITIONS APPLICABLE TO SHORT TERM RENTALS.

(A) No short-term rental may be located on a lot that is within 500 feet of a lot upon which another STR is located.

(B) A minimum of one off-street parking space for each bedroom in the short-term rental unit shall be provided on the same lot or tract as the STR unit.

(C) Renting a short-term rental unit for occupancy by more than three people over the age of 18 years of age per bedroom is prohibited.

(D) Meal service may not be provided in or at any short-term rental.

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(E) Neither the operator nor any renter of a short-term rental shall host outdoor gatherings before 7:00 a.m. or after 10:00 p.m. on any day and any such outdoor gathering may include no more than 20 people attending at any one time.

(F) A short-term rental may be occupied by up to six individuals unrelated by blood, marriage or adoption.

(G) Recreational vehicles and camping trailers are prohibited on the premises of a short-term rental establishment in a residentially zoned area.

Sec. 4.06.009 OTHER CONDITIONS APPLICABLE TO BED AND BREAKFASTS.

(A) No bed and breakfast may be located on a lot that is within 500 feet of a lot upon which another B&B is located.

(B) A minimum of one off-street parking space is required per rented room for a bed and breakfast.

(C) No more than three people over the age of 18 years of age shall be allowed to reside in a room of a bed and breakfast.

(D) Breakfast service may be provided at a bed and breakfast to overnight guests only.

(E) In a residentially zoned district, no signs shall be permitted on the premises except for a non-illuminated name plate no larger than one square foot in area.

Sec. 4.06.010 REVOCATION, SUSPENSION OR DENIAL OF REGISTRATION.

(A) The Building Official may immediately revoke or suspend the registration, or deny the issuance or renewal of a registration, if it is found that:

(1) The applicant, designated operator or owner has violated or failed to meet any of the provisions of this chapter;

(2) The designated operator or owner has willingly or intentionally allowed a guest to violate any provisions of this chapter;

(3) The designated operator or owner has violated any federal, state or city law pertaining to the use of the property;

(4) The designated operator or owner has willingly or intentionally allowed a guest to violate any federal, state or city law pertaining to the use of the property;

(5) The Police Chief, Fire Chief, Fire Marshal, Building Official, or other City Inspector has determined that the short-term rental or bed and breakfast does not comply with City Codes or would pose a serious threat to public health, safety or welfare; or

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(6) The person selecting to register or the operator or owner has made a false statement of material fact on a registration form for a STR registration or a B&B registration.

(7) Failure to pay the registration fee shall result in an immediate suspension of the registration of the STR registration or B&B registration.

(B) If the registration for any STR or B&B is revoked or suspended, the owner or operator must immediately cease the operation of the STR or B&B. The owner or operator may seek to re-register the STR or B&B after the violation has been brought into compliance.

Sec. 4.06.011 APPEAL.

The applicant may appeal to the Planning and Zoning Commission for denial of a permit, a suspension, or revocation. Such an appeal must be submitted in writing and delivered to the City Manager no later than ten business days after the denial, suspension, or revocation decision.

Sec. 4.06.012 VIOLATION; PENALTIES.

(A) Rental of a short-term rental unit or bed and breakfast that does not have a current registration is a violation of this chapter. Each day of any rental is a separate violation and shall constitute a separate offense.

(B) Any person, firm, or corporation that fails to collect and pay hotel occupancy taxes or fails to file or falsely files the required report shall be guilty of a misdemeanor punishable by fine. A penalty plus interest shall be added to the amount due, and the STR registration or B&B registration shall be immediately revoked.

(C) Any person, firm or corporation in violation of any provision of this chapter, other than the non-payment of Hotel Occupancy Taxes, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than \$500 per day, for each day the violation persists.

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