

RESOLUTION NO 2024.01

A RESOLUTION OF THE MORGAN’S POINT RESORT ECONOMIC DEVELOPMENT CORPORATION, TO RECOMMEND, TO THE MORGAN’S POINT RESORT CITY COUNCIL:

- **WORK-FROM-HOME NEW ORDINANCE**
- **HOME OCCUPATION AMENDED SPECIFIC USE ORDINANCE**
- **LIVE-WORK RESIDENTIAL USE NEW SPECIFIC USE ORDINANCE**

WHEREAS, the MPR EDC continues to search for alternative economic development opportunities in Morgan’s Point Resort beyond a central business district;

WHEREAS, on August 1, 2024, the MPR EDC began the research process to update the current Specific Use “Home Occupation” (a smart-growth economic development opportunity) listed under City of Morgan’s Point Resort Ordinance, Appendix B, Section 15:

- To recognize the home as a viable location for certain types of Work-From-Home uses in the following residential zones (Single Family, Multi Family and Manufacture Homes);
- To include guidelines and criteria (performance standards) that dictate the expected behavior and responsibilities of individuals
- To ensure that any gainful occupation, profession, trade or business activity carried on in a residential zone is secondary (incidental) to the residential use of the dwelling and property;
- To ensure the compatibility of Work-From-Home uses with the principal residential uses in order to protect the integrity and character of the neighborhoods;
- To minimize noise, traffic nuisances, hazardous material usage and other possible impact to residential areas; and
- To ensure that the permit approval for any use is based on Performance Standards (that are measurable and enforceable), and NOT type of business or activity.

WHEREAS, on September 24, 2024, a representative of the MPR EDC met with the MPR Planning and Zoning Commission to discuss a Home Occupation amendment to modernize the MPR ordinance to balance the growing demand by residents to engage in legitimate home-based business, while protecting community character and the health, safety and welfare of neighbors in residential zones.

WHEREAS, on October 1, 2024, representatives from both the MPR EDC and MPR Planning and Zoning Commission met to discuss specifics for a Home Occupation Ordinance amendment. The following is recommended:

- AMEND Home Occupation- as a “no impact” use offering residents a non-expiring registration for home offices.
- ADD Live-Work Residential Use- as a “low impact” use that recognizes the home as a viable location for entrepreneurs, inventors, creators and home based businesses (micro-enterprises, start-ups & side hustles). Permit expiration-three (3) years from issuance.

WHEREAS, Home Occupation and Live-Work Residential Uses must conform to General Performance Standards:

- **NATURE OF THE USE** is reasonable and clearly incidental and secondary to the use of the dwelling (property) for residential use.
- **PROPERTY OWNER**- the applicant is either the owner of the property proposed for a Work-From-Home Use or one of the persons authorized by state law to make the application.

- **NUISANCES-** no use shall create excessive noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in residential zones.
- **TRAFFIC-** use does not create pedestrian or car traffic beyond the normal for the neighborhood.
- **RESTRICTIONS-** the applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.
- **HOURS OF OPERATION-** activities associated with Work-From-Home uses are limited to the hours of 8 am to 6 pm, Monday through Saturday. Exceptions apply.
- **COMPLIANCE-** user agrees to comply with all City of Morgan’s Point Resort ordinances, and all state, county and City laws, rules and regulations.
- **SIGNS-** No signs on the property unless required by law to identify a state registered business. When advertising, no physical address can be used.
- **LICENSES-** the applicant has checked with all applicable state, county and City licensing agencies for professional trade approvals.
- **EFFECT ON OTHER LAWS-** Nothing in this Article is intended to legalize anything prohibited under the Texas Penal Code or any other Federal or State law or City ordinance
- **INVESTIGATION OF APPLICANT-** The City Manager or his/her designated representative shall have full power to investigate the applicant to determine if the matters set out in the application (s) are true.
- **ENFORCEMENT, PENALTIES-** Any Home Occupation or Live-Work Residential Use permit will be revoked for non- compliance of the Performance Standards.
- **INSPECTIONS-** A resident shall permit representatives of the Police Department, County Health Department, Fire Department, and Building Inspection division to inspect the premises of Home Occupation or Live-Work Residential Use permit applicant or approved user for the purpose of insuring compliance with the law, at any time it is occupied or open for business (American Disabilities Act etc.)
- **REVOICATION-** the use may be revoked by the Mayor upon recommendation of the City Manager in the event of the violation of any of the conditions contained there in
- **APPEAL:** As long as the Home Occupation or Live-Work Residential Use meets all performance standards, the applicant will receive approval. If approval is denied, the applicant may request an appeal to make sure there is a clear understanding between the applicant and the City of Morgan’s Point Resort of the facts associated with the proposed use and the subject property.

WHEREAS, the Home Occupation type would include the following specific Performance Standards & Exceptions:

- The Use allows one (1) resident to work on-site.
- No direct contact with the client within the dwelling. No more than two (2) clients per day are allowed for pick-up or drop-off of informational materials.
- No retail sales on-site.
- No more than 20% of the floor area of the dwelling (excluding the garage) may be used for the home occupation. No business operations from the garage, accessory building or yard
- No materials or work related equipment may be store on the premises
- Vehicles related to the Home Occupation must be parked on-site. No commercial vehicles.
- More than one home occupation may be allowed if:
 - the residence maintains its residential character
 - the additional permit does not exceed the 20% of the floor area
 - A maximum of two residents (per dwelling) are allowed to participate in home occupations.

- Hours of operation- No limitations on office activities. Pick up/drop off of informational materials is limited to Monday-Saturday between 8 am and 6 pm.

WHEREAS, the Live-Work Residential Use would include the following specific Performance Standards, Exceptions and Limitations:

- The use allows two residents (owners/employees) to work on-site.
- Direct contact with clients is by appointment only and the business should generate no more than four (4) client visits per day (trade and location limitations apply).
- No retail sales on site, other than those that are incidental/subordinate to the trade (art supplies for classes, fabric for dressmaker etc.)
- No more than 20% of the floor area of the dwelling (excluding the garage) may be used for the use. Accessory buildings or solid screened in yards can be used for the business, but activities may not be visible from the street.
- Materials or work related equipment may be stored within a structure.
- Vehicles related to the use must be parked on-site. One commercial vehicle (1 ton or less), is allowed.
- Additions, alterations or remodels to the property are allowed (ADA compliant etc.), as long as the character of the residential property is not changed. A separate building permit (s) is required.
- User must complete a neighbor notification letter for neighbors who live within 200 feet of the user’s property line.
- More than one use may be allowed:
 - If the residence maintains its residential character
 - The additional permit does not exceed the 20% of the floor area
 - A maximum of two residents (owners/employees-per dwelling) are allowed to work on the premises.
- Use Limitations:
 - Personal services (hair, nails, skin and non-medical massage)- one chair or one table.
 - Home Owners Associations must approve the Use
 - Congested neighborhoods- parking and traffic may be limited for Use approval.
 - Child Care Provider (Texas Health & Human Services- Listed Family Home)- care and supervision of three (3) or less non-related children, under 14 years of age.
 - Educational and Training Services: No more than four (4) clients, per day (classes etc.)

WHEREAS, Home Occupation and Live-Work Residential Use are both recommended to be “permitted outright” in all residential zones- Single Family (Section 10.2), Multi-family (Section 11.2) and Manufactured Housing (Section 12.2)

WHEREAS, remote work, a type of flexible working arrangement that allows an employee to work outside of a traditional office environment, is not considered a Specific Permitted Use and a remote worker should not be required to register with the City

WHEREAS, a NEW City ordinance should be included in Appendix B, Section 15 to clarify prohibited uses. The MPR EDC recommends the following list of uses to be prohibited in the residential zones (Single Family, Multi-family and Manufactured Housing)

- Animal hospitals or clinics, commercial stables or commercial kennels
- Restaurants or other types of food service establishments

- Activities that create hazardous waste such as cooking oil, motor oil or chemicals that can contaminate the property and are not removed or recycled (automobile, boat or trailer paint or repair shops)
- Medical related offices (doctor, dentist, veterinarian, sex therapy, massage therapy etc.)
- No retail sales on site, other than those that are incidental/subordinate to the trade (art supplies for classes, fabric for dressmaker etc.)
- Mortuaries
- Private Clubs
- Trailer rentals
- Carpentry work
- Photo developing using chemicals
- Gift shops, grocery stores, pharmacy and general merchandise establishments
- Repair shops for any item with an internal combustion engine
- Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.
- Mobile food establishments-on site service (food trucks/trailers etc.)
- Entertainment businesses such as miniature golf
- Dog/Cat breeding (for profit)

WHEREAS, including the WORK-FROM-HOME Ordinance in Chapter Four-Business Regulations is an opportunity for Morgan’s Point Resort to show creativity in the design of effective (and user friendly) regulations;

THEREFORE, the Morgan’s Point Resort Economic Development does hereby resolve the recommendation of a new Work-From-Home Ordinance (Chapter 4-Business Regulations), an amended Home Occupation Ordinance and a new “permitted outright” Live-Work Residential Use Ordinance (residential zones) to benefit both home based businesses and the community, at large.

PASSED AND APPROVED this 17th day of October (2024) by six (ayes) and zero (nos) with no abstentions by a vote of the Board of Directors of the Morgan’s Point Resort Economic Development Corporation.

APPROVED AS TO FORM:

Linda Bridges

Linda Bridges, MPR EDC President

Attest:

Terry Harrah

Terry Harrah, MPR EDC Secretary