

**CITY OF CELINA, TEXAS  
ORDINANCE 2013-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 14: ZONING, ARTICLE 14.05: DEVELOPMENT STANDARDS AND USE REGULATIONS; DIVISION 8. HOME OCCUPATION REGULATIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SERVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Celina is a home rule municipality located in Collin County, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

**WHEREAS**, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the City Council has considered, among other things, the character of the amendment with a view of encouraging the most appropriate use of land in the City,

**WHEREAS**, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

**WHEREAS**, the City Council, has determined that amending its rules and regulations regarding home occupations is necessary to preserve the characteristics of the City's residential neighborhoods.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS**

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**  
**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

**SECTION 3**  
**AMENDMENTS**

3.01 That the City of Celina Code of Ordinances, Chapter 14: Zoning; Article 14.05: Development Standards and Use Regulations; Division 8: Home Occupation Regulations shall be amended to read as follows:

**“Division 8. Home Occupation Regulations**

**Sec. 14.05.261 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.

**Sec. 14.05.262 Special provisions for home occupations**

- (a) Home occupations shall be permitted as accessory uses in single-family residential zoning districts provided that they comply with all restrictions herein.
- (b) 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.
- (c) Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 20% of the combined gross floor area of dwelling unit that is used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet, including the garage).
- (d) The activity shall be conducted wholly within the main building and not in any accessory building.

- (e) The home occupation shall not have a separate entrance.
- (f) Only residents of the location of the home occupation shall be employed on site.
- (g) No traffic or parking of vehicles shall be generated by the home occupation in greater volumes than normally expected in a residential neighborhood, and the proprietor shall provide adequate off-street parking on the property where the use is located. Parking, picking up, or dropping off students is prohibited in city alleys.
- (h) There shall be no activity that regularly attracts persons other than the residents to the location of the home occupation, except those related to instructional activities. Instructional activities shall be limited to a maximum of six students at any time.
- (i) Child care in a registered family home will be allowed and shall be limited to the number of children allowed under applicable state law or city regulation.
- (j) The operation of such an occupation shall be between the hours of 8:00 a.m. and 10:00 p.m. for indoor activities. This limitation on hours of operation shall not apply to allowed childcare home occupations. Outdoor activities shall be limited to instructional activities conducted in the back yard and screened from the neighboring property.
- (k) One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used in connection with the home occupation.
- (l) 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.
- (m) The home occupation use/activity shall have no outside storage of materials, goods, equipment or supplies, including trailers, or outside display related to the home occupation use.
- (n) 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 a vocation which is conducted solely for pleasure and not for profit or financial gain.
- (o) The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district.
- (p) The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.

(q) 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.

(r) The address of the home occupation shall not be included in any classified advertisement, which will result in an increased amount of vehicular traffic to the home.

(s) 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, [and] handmade clothing. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises.

(t) 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.

**Sec. 14.05.263 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.

**Sec. 14.05.264 Uses allowed as home occupations**

Subject to the provisions of this division, 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 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, computers, 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 children or adults;

(12) Barbershop or beauty salon or manicure studio, provided that no more than one customer is served at a time;

(13) Swimming lessons and water safety instruction, provided that such instruction involves no more than six pupils at any one time; and

(14) Antique firearm restoration (gunsmithing).

(A) All firearms stored or kept at the residence as a part of the home occupation shall fall within the definition of "antique" as defined by the U.S. Code, title 18, part 1, chapter 44, section 921(16).

(B) No ammunition as defined by U.S. Code, title 18, part 1, chapter 44, section 921(17) and for use with a firearm as defined above, shall be traded or sold as part of the home occupation.

#### **Sec. 14.05.265 Uses prohibited as home occupations**

Home occupations shall not, in any event, 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 chapter, 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.

(10) Dispatch centers, or fleet vehicle storage.

**Sec. 14.05.266 Home occupation uses not classified herein**

Any use that is not either expressly allowed nor expressly prohibited by sections 14.05.264 and 14.05.265 of this division, respectively, is considered prohibited, unless and until such use is classified by amendment to this chapter by the city council, subsequent to an affirmative recommendation by the commission.

**Sec. 14.05.267 Effect of this division upon existing home occupations**

(a) Any home occupation that was legally in existence as of the effective date of Ordinance 2006-57 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 article 14.02, division 2, 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 Ordinance 2006-57 shall be required upon request of the city in determining legal non-conforming status.”

3.02.1 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

**SECTION 4**  
**PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

**SECTION 5**  
**CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6**  
**SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 7**  
**SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full

force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 8**  
**PUBLICATION CLAUSE**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

**SECTION 9**  
**ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 10**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this \_\_day of \_  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Sean Terry, Mayor  
City of Celina, Texas

ATTEST:

\_\_\_\_\_  
Vicki Faulkner, City Secretary  
City of Celina, Texas  
[SEAL]

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
City of Celina, Texas