



**ORDINANCE #19-0226-02**

**AN ORDINANCE OF THE CITY OF WHITEHOUSE, TEXAS ESTABLISHING A PLANNED DEVELOPMENT (PD) DESIGNATION; PROVIDING FOR THE PURPOSE; FOR REQUIREMENTS; FOR PLAN REQUIREMENTS; FOR A WAIVER OR DEFERRAL; FOR PROCEDURES; FOR RECOMMENDATIONS; FOR AMENDMENTS; FOR COORDINATION WITH EXISTING REGULATIONS; FOR APPROVAL OF AN AMENDMENT TO THE COMBINED ZONING ORDINANCE; FOR PROCEDURES TO REZONE; FOR ZONING MAP DESIGNATION; A REPEALING CLAUSE; A SAVINGS CLAUSE AND AN EFFECTIVE DATE**

**Whereas**, the City of Whitehouse is a home rule municipality located in Smith 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 Whitehouse, 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, and

**Whereas**, the City Council, has determined that establishing a Planned Development district will help foster responsible development.

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

**Section 1. Generally**

- A. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, in conjunction with site plan or concept plan review, not limited to, but including such items as those relating to parking space requirements, building line setbacks, square footage of buildings and structures, architectural design, landscaping, open space, sign placement and specifications and protective screening in order to achieve conformance with good planning practices.
- B. The purpose of a Planned Development District is to accomplish the following:
  - 1. to protect and provide for public health, safety and general welfare of the citizens;
  - 2. to guide the future development of the City;
  - 3. to accommodate innovation by modifying regulations to better accomplish the City's development goals;
  - 4. to mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities and adjacent land uses; and
  - 5. to protect and enhance the aesthetic and visual quality of development.

**Section 2. Planned Development Requirements**

- A. Development requirements for each PD District shall be set forth in this Ordinance [the ordinance] establishing the PD District and may include, but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations and other requirements as the City Council may deem appropriate.

- B. In making a determination to establish a planned development for residential uses, the Planning and Zoning (P&Z) shall consider whether the following design features are to be incorporated in the development:
1. Minimum 7/12th roof pitch;
  2. Minimum 1,650 square feet living/dwelling area for each dwelling unit;
  3. 100% masonry construction on the front elevation of home, excluding roof dormers; and 80% minimum masonry construction on each other elevation;
  4. Matching masonry mailbox (or post office requirements);
  5. Landscaping of a minimum of two one (2) (1) tree planted in the front yard;
  6. Dimensional roof shingles, 30-year rating;
  7. Traditional side, rear (from alley) or j-entry garages;
  8. Fences of wood, wrought iron or masonry construction (no chain-link);
  9. sidewalks and open/green space;
  10. For exterior perimeter streets, a masonry wall and five (5) foot serpentine sidewalks with trees and park benches. Masonry entryways must include landscaping and irrigation;
  11. Varying front home elevations other than just the type of windows used. No two homes should have the same front elevation if located directly or diagonally across the street from each other or locate[d] on either side of a home on the same side of the street;
  12. Subdivision entryways with pavers or a stamped concrete design;
  13. If detention ponds are built, the landscape plan must be approved by the City Council. The landscape plan shall include native plants, trees, park benches, trails or sidewalks and appropriate plantings at the base of the pond. The City Engineer may also require a water aerating system; and
  14. Covenants or site restrictions establishing a plan for permanent care, replacement, and maintenance of any living buffer, plants on any common areas or commonly owned facilities, walls and entryway features, and plants within any landscape setback zone or other land use controls.
- C. The ordinance establishing the PD district shall contain standards for development and specify permitted uses. If the ordinance does not contain standards for one or more of the specified permitted uses, the use shall conform to the standards and regulations of the zoning district to which it is most similar.
- D. The ordinance establishing a PD District shall include a statement as to the purpose and intent of the PD.
- E. Even if not stated in the ordinance establishing the PD District, the District shall be subject to all other provisions of this Ordinance and specifically, this Article.

### **Section 3. Plans Required**

In establishing a Planned Development District, the City Council shall approve and attach to the ordinance standards for the District and Concept Plan and, if applicable, a Development Plan. To facilitate understanding of the request during the review and public hearing process, the Commission and City Council shall require a Concept Plan and/or a Development Plan, as required by this Section.

#### **Concept Plan**

- A. The applicant for a Planned Development District for nonresidential uses shall submit an application for approval of a Concept Plan at the time of the request for approval of a Planned Development District unless the applicant desires to submit a Development Plan. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner.
- B. An applicant for approval of a Concept Plan shall submit the following information relating to the proposed development:
1. Existing and proposed site conditions.
  2. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.
  3. Location map, north arrow, scale, title block, and site/development summary table.
  4. Most recent, available topographic information.
  5. Natural features, including tree groupings, floodplains, drainageways, and creeks.
  6. Land use on site and on adjacent properties, including assignment of use to specific locations within the plan.
  7. Maximum allowable building coverage, density, and height.

8. Minimum building setbacks and use.
  9. The type, approximate shape and placement of buildings and their proposed uses.
  10. If known, existing and proposed public streets, including ROW widths, any other rights-of-way (including easements), median openings, turn lanes (including storage and transition space), and other driveways (including those on adjacent property) showing the access to and general circulation of the development.
  11. If known, proposed dedications and reservations of land for public use including but not limited to rights-of-way, easements, trails, park land, open space, drainageways, floodplains, and public facility sites.
  12. If known, a description of phases of development, including delineation of areas, building sites, land use and improvements to be constructed in independent phases. Also a summary of the anticipated timing and sequencing of development phases.
  13. Any existing covenants or site restrictions.
- C. The Concept Plan application shall be submitted in such form and number of copies as the City Manager or his/her designee may require in order for sufficient review of the application.
  - D. For a residential planned development which does not propose platted lots, the concept plan shall set forth the size, type and location of buildings and building sites.
  - E. For a planned development of residential platted lots, no Concept Plan is required.

### **Development Plan**

The Development Plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the Concept Plan. Approval of the Development Plan shall be required for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the building official for a building permit. The Development Plan may be submitted for the total area of the PD or for any section or part as approved on the Concept Plan. The Development Plan must be approved by the Commission and City Council.

### **Development Plan Submittal**

The applicant shall submit a Development Plan, which shall include the following:

- A. A site scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any floodprone areas.
- B. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playground, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, the location and width for all curb cuts.
- C. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building and property lines, street lines, and alley lines.
- D. Supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District is to be included in the text of the amending Ordinance. The Development Plan shall be separate from the platting process. In the event, should anything change during the construction process, the developer need only amend the plat.
- E. Other information required:
  1. Existing and proposed site conditions.
  2. Proposed name of business and and/or development.
  3. Proposed building locations, dimensions, size, density and finished floor elevations of structures referenced to sea level datum if adjacent to the 100-year floodplain.
  4. All building setbacks, including front, side, rear and side.
  5. Location of site, computed acreage or square footage, current names and addresses of developer, owners of record, and abutting land owners and project name if applicable.
  6. Name and address of person or firm preparing the plat/site plan (which must be prepared and stamped by a registered land surveyor or registered professional engineer), name and address of persons or firm preparing other data and information if different from preparer of the map.
  7. Abutting properties with approximate location of the structures thereof including access roads.
  8. The shape, size, height and location showing the zoning classification thereof of existing structures

- located on the site if they are to remain as part of the project, otherwise not needed.
9. The location and approximate size of structures within 200 feet of the site, including all driveways.
  10. Parking areas and structures, street names and widths, medians, , off-street parking spaces (include # of spaces), handicap parking spaces (include # of), ramps, crosswalks, and loading areas. All shown with dimensions and radii.
  11. Access easements and off-site parking.
  12. Building service, dumpster, and trash compactor locations and screening.
  13. Location and design of screening walls, fences, living screens, retaining walls, headlight screens, service area screens, including height, type of construction and planting specifications.
  14. Landscaping plan showing turf areas, site landscaping, parking lot landscaping, landscape setback landscaping, open spaces, green areas, and any other required or offered landscape improvements, including planting specifications and irrigation.
  15. Water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified.
  16. An accurate survey with topographic information with a maximum five feet in contour showing grading, drainage, and storm sewer lines.
  17. Water and sewer connections, meter locations, size, and meter and/or detector check valve vaults indicated, together with a table of number of water meters by size and noting if they exist or are proposed.
  18. Inlet[s], culverts, and other drainage structures on site and immediately adjacent to the site.
  19. Traffic impact analysis which meets the requirements established by the City Engineer.
  20. Building elevations, roof plans and building envelope, description of proposed exterior building materials and general color scheme of the building exterior, except for single-family dwelling units.
  21. Sidewalks, walkways and gathering spaces, including dimensions.
  22. Sign elevations and specifications.
  23. Monument signs.
  24. Proposed covenants or site restrictions establishing a plan for permanent care, replacement, and maintenance of any living buffer, plants on any common areas or commonly owned facility, and plants within any landscape setback zone or other land use controls.
  25. Location map, north arrow, scale, title block and site/development summary table.
  27. A record of any modifications to the Planned Development District Design Standards in Section 7.4.2 approved by the City Council.
- F. For a planned development consisting solely of single-family detached dwellings, the final plat shall serve as the Development Plan. (Final plat shall include all previous information in this section).

#### **Section 4. Waiver and Deferral**

The applicant may request that the City Manager or his/her designee waive or defer any of the above requirements of the Concept Plan that are not necessary or are not applicable for the review of a specific development. If a waiver or deferral is granted, the City Manager or his/her designee shall note that fact on a cover sheet attached to the Concept Plan and if a deferral is granted, shall specify thereon the date at which the items are to be submitted.

#### **Section 5. Procedures for Approval of Concept Plan and Development Plan**

- A. An application for approval of a Concept Plan or a Development Plan in a Planned Development District shall be processed as an amendment to the Zoning Ordinance. Property owners shall be notified, public hearings shall be conducted, and notice and publication shall be made in accordance with the requirements of Texas Local Government Code Chapter 211, as amended.
- B. An applicant may submit an application for approval of a Development Plan without first obtaining approval of a Concept Plan.
- C. The Commission and City Council may approve the Concept Plan and the Development Plan or any section of the Development Plan, separately or jointly in public hearings, unless such requirement is expanded when it is determined a public hearing is needed for both the Concept Plan and final Development Plan. A single public hearing is adequate when the applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for a Development Plan.
- D. The Ordinance establishing the Planned Development District shall not be approved until a Concept

and/or Development Plan for the district is approved.

- E. A Development Plan shall be submitted for approval within six (6) months from the approval of the Concept Plan for some portion of the Concept Plan. If a partial Development Plan for at least the first phase of the development is not submitted within six (6) months, the Concept Plan is subject to review by the Commission and City Council. If construction on a development is not started within one (1) year from the date of establishment of the Planned District Development, the Commission and City Council may review the Concept Plan to ensure its continued validity. If the City determines the concept is not valid, a new Plan must be approved.

#### **Section 6. Recommendations**

When a PD District is being proposed, the City Manager or his/her designee may provide a report of the impact of the proposed district on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic with [and] written comments from the applicable public school district, and from private utilities may be submitted to the Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council.

#### **Section 7. Accessory Buildings**

Unless permitted in the ordinance establishing a Planned Development District, a Development Plan is required before a person may cause to be placed or erected more than two buildings on one lot.

#### **Section 8. Amendments to a Concept Plan or Development Plan**

- A. A property owner may request an amendment to an approved Concept Plan or Development Plan at any time. Amendments are classified as major or minor and each has a separate process.
- B. The City Manager or his/her designee may approve or disapprove a minor amendment to plans adopted by ordinance provided the amendment does not:
  - 1. change the basic relationship of the proposed development to adjacent property;
  - 2. increase the intensity or density of development;
  - 3. substantially alter the arrangement of buildings or change the use of building space designated on the original building plan;
  - 4. increase the number of residential units; provided however, the City Manager or his/her designee may approve the rearrangement of lots so long as the number of units does not increase;
  - 5. increase the height of buildings;
  - 6. substantially alter vehicular circulation or the placement/arrangement of parking areas;
  - 7. reduce or lessen the effectiveness of open space, landscape buffers, and edges;
  - 8. substantially alter or change the design elevation, roof pitch, materials, or massing of the buildings;
  - 9. increase the ratio of the gross floor areas in structures to the area of any lot;
  - 10. change access to streets;
  - 11. increase the size, lighting, or orientation of signs; or
  - 12. conflict with regulations specified within the ordinance establishing the district.
- C. Any amendment other than specified above, or any amendment that the, City Manager or his/her designee in his discretion, determines should be forwarded to the City Council, shall be considered as a major amendment and shall be considered by the Planning and Zoning Commission and Council at public meetings in accordance with the same procedures and requirements for approval of a Development Plan.

#### **Section 9. Coordination with Subdivision Regulations**

- A. A developer may submit an application for approval of a preliminary or final plat simultaneously with an application for approval of a Development Plan. The City may process the application simultaneously with the review of an application for approval of a Development Plan for a development in the Planned Development District.
- B. The Development Plan required for a development in the Planned Development District may be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plats required under those regulations.

**Section 10. Other Applicable Regulations**

If not otherwise specified in the ordinance establishing the planned development district, the height, setback, area, floor space, and other development regulations for permissible uses in a planned development district shall conform to the development regulations which would be applicable to such uses if the same were situated in the most restrictive district in which such uses are permitted.

**Section 11. Approval**

Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Zoning Ordinance. In carrying out the development of a Planned Development District, the development conditions shall be complied with and such conditions are as specified for the development of a Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

**Section 12. Procedures for Rezoning a Portion of a Planned Development**

If the City receives an application to rezone only a portion of the property within the District and the request substantially changes the approved Concept Plan or Development Plan, unless the Ordinance establishing the District states otherwise, the City shall process the request for rezoning as a request to rezone the entire District and shall process the same as a request to amend the entire district, and send notices to all property owners within 200 feet of the District.

**Section 13. Zoning Map and Planned Development Districts**

- A. Prior to adoption of this Ordinance, the City Council has established various Planned Development Districts, which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Code shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map and are set forth in Section 26.1 of the Combined Zoning Ordinance.
- B. All future Planned Development Districts approved in accordance with the provisions of this Ordinance shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained as part of the Combined Zoning Ordinance.

**Section 14. No Variance**

The Board of Adjustment is not authorized to grant a variance from the requirements of an ordinance establishing a Planned Development District.

**Section 15. Repealing Clause**

That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Whitehouse, Texas shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty, nolo contendere, or dismissal.

**Section 16. Savings Clause**

That if any section, article, paragraph, sentence, clause, phrase or word in the ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 17. Effective Date**

That the fact that the present ordinances and regulations of the City of Whitehouse, Texas do not adequately regulate the traffic within the City creates an emergency and the preservation of the public health, safety, and welfare requires that this ordinance take effect immediately from and after the date of its passage and publication.

**PASSED AND APPROVED by the City of Whitehouse City Council on this 26<sup>TH</sup> day of February 2019.**



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Charles Parker, Mayor

ATTEST:



Susan Hargis, City Secretary