



COMBINED ZONING ORDINANCE

ORDINANCE 09-0428-02

AN ORDINANCE, TO BE KNOWN AS “THE ZONING ORDINANCE OF THE CITY OF WHITEHOUSE”, ADOPTING SPECIFIC RULES FOR THE EFFICIENT AND ECONOMIC USE OF LAND TO PROMOTE THE SAFETY, HEALTH, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE OF THE CITIZENS OF WHITEHOUSE AND TO CONSERVE THE VALUE OF LAND, BUILDINGS AND RESOURCES, PROTECT THE CHARACTER AND MAINTAIN THE STABILITY OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL LAND USE BY PRESERVATION, PROTECTION, DEVELOPMENT AND CONSERVATION OF THE NATURAL RESOURCES OF LAND, WATER AND AIR; INSURE THE APPROPRIATE USE OF LAND; REGULATE THE USE AND OCCUPANCY OF BUILDINGS AND LAND; ESTABLISH HEALTHFUL AND CONVENIENT DISTRIBUTION OF POPULATION; PROVIDE FOR CONVENIENCE OF TRAFFIC AND CIRCULATION OF PEOPLE AND GOODS; INSURE ADEQUACY OF PUBLIC UTILITIES AND FACILITIES; PROMOTE CIVIC AMENITIES; PROTECT AND PERPETUATE SPECIFIC COMMUNITY AREAS AND DISTRICTS WITH SPECIAL CHARACTER, INTEREST OR VALUE WHICH REPRESENT ELEMENTS OF THE CITY’S CULTURAL, SOCIAL, ECONOMIC, POLITICAL, HISTORICAL AND ARCHITECTURAL HERITAGE; AND ESTABLISH ZONING DISTRICTS WHICH WILL REGULATE THE LOCATION AND USE OF BUILDINGS AND OTHER STRUCTURES, WATER AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES BY REGULATION OR LIMITATION OF HEIGHT, BULK AND ACCESS TO LIGHT AND AIR OF BUILDINGS AND STRUCTURES, THE AREA OF YARDS, SETBACKS, THE DENSITY OF USE AND PROVIDING THAT ALL PLANNING AND LAND USE SHALL COMPLY WITH THE TERMS AND PROVISIONS OF THIS ORDINANCE AND OTHER APPLICABLE ORDINANCES OF THE CITY OF WHITEHOUSE AND PROVIDING FOR A PENALTY SO THAT ANY PERSON, FIRM OR CORPORATION VIOLATING ANY OF THE RULES, PROVISIONS OR TERMS OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE SUBJECT TO A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND EACH AND EVERY DAY SUCH VIOLATION IS CONTINUED SHALL BE DEEMED TO CONSTITUTE A SEPARATE OFFENSE.

ORDINANCE 12-0124-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS “THE CITY OF WHITEHOUSE ZONING ORDINANCE” (passed 04-28-09); REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 12-0424-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS “THE CITY OF WHITEHOUSE ZONING ORDINANCE” (passed 04-28-09); REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; PROVIDING FOR A PENALTY SO THAT ANY PERSON, FIRM OR CORPORATION VIOLATING ANY OF THE RULES, PROVISIONS OR TERMS OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE SUBJECT TO A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND EACH AND EVERY DAY SUCH VIOLATION IS CONTINUED SHALL BE DEEMED TO CONSTITUTE A SEPARATE OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE #13-0723-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12) AND ORDINANCE #12-0424-01 (PASSED 04-24-12); MODIFYING THE USE TABLE FOR LIGHT INDUSTRIAL – BUSINESS PARK (LI-BP) ZONING TO ALLOW RETAIL SALES; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE #13-1022-02

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12); ORDINANCE #12-0424-01 (PASSED 04-24-12) and ORDINANCE #13-0723-01 (PASSED 07-23-13); DISSOLVING THE ZONING BOARD OF ADJUSTMENT; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE #18-0327-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12), ORDINANCE #12-0424-01 (PASSED 04-24-12) ORDINANCE #13-0723-01 (PASSED 07-23-13); ORDINANCE #13-1022-02 (PASSED 10-22-13) AND ORDINANCE 17-0926-03 (PASSED 09-26-17); ALLOWING FOR TEMPORARY USE PERMITS; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE #18-0430-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12), ORDINANCE #12-0424-01 (PASSED 04-24-12) ORDINANCE #13-0723-01 (PASSED 07-23-13); ORDINANCE #13-1022-02 (PASSED 10-22-13) AND ORDINANCE 17-0926-03 (PASSED 09-26-17); MODIFYING THE PURPOSE AND INTENT OF THE ORDINANCE TO EXTEND THE REGULATORY AUTHORITY TO THE EXTRA TERRITORIAL JURISDICTION ; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE #19-0122-01

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12), ORDINANCE #12-0424-01 (PASSED 04-24-12) ORDINANCE #13-0723-01 (PASSED 07-23-13); ORDINANCE #13-1022-02 (PASSED 10-22-13); ORDINANCE 17-0926-03 (PASSED 09-26-17); ORDINANCE 18-0430-01 (PASSED 04-30-18); AND ORDINANCE 18-0522-01 (PASSED 05-22-18); REPEALING AND REPLACING ARTICLE 24 LANDSCAPE AND TREE PRESERVATION; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 26-0127-02

AN ORDINANCE AMENDING ORDINANCE #09-0428-02 KNOWN AS "THE CITY OF WHITEHOUSE ZONING ORDINANCE" (PASSED 04-28-09), ORDINANCE #12-0124-01 (PASSED 01-24-12), ORDINANCE #12-0424-01 (PASSED 04-24-12) ORDINANCE #13-0723-01 (PASSED 07-23-13); ORDINANCE #13-1022-02 (PASSED 10-22-13); ORDINANCE 17-0926-03 (PASSED 09-26-17); ORDINANCE 18-0430-01 (PASSED 04-30-18); ORDINANCE 18-0522-01 (PASSED 05-22-18); AND ORDINANCE #19-0122-01 (PASSED 01-22-19) REPEALING AND REPLACING SECTION 23.5 LIMITATION OF RESUBMISSION OF PETITION; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Adopted April 28, 2009
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ARTICLE 1. SHORT TITLE

SECTION 1.1. TITLE: MAP ADOPTED

This ordinance shall be known as the "Zoning Ordinance for the City of Whitehouse, Texas," The map herein referred to is identified by the title, "Zoning Map of the City of Whitehouse, Texas," and all, explanatory matter thereon is hereby adopted and made a part of this chapter.

ARTICLE 2. PURPOSE

SECTION 2.1. STATED

1. Basic goal. It is the intent of this chapter to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Whitehouse, Texas.
2. Objectives. To achieve this end, these regulations are prepared in accordance with and for the promotion of the goals and objectives of the Comprehensive Development Plan, and are designed to (a) conserve the value of land, buildings, and resources; (b) protect the character and maintain the stability of residential, commercial, and industrial area; and (c) provide for the efficiency and economy in the process of development throughout the:
 - a. Preservation, protection, development, and conservation of the natural resources of land, water, and air;
 - b. Appropriate use of land;
 - c. Regulating of the use and occupancy of buildings, land and
 - d. Healthful and convenient distribution of population;
 - e. Convenience of traffic and circulation of people and goods;
 - f. Adequacy of public utilities and facilities;
 - g. Promotion of the civic amenities of beauty and visual interest;
 - h. Protection, enhancement, and perpetuation of specific community areas with special character, interest, or value which represents and reflects elements of the City's cultural, social, economic, political, historical and architectural heritage;
 - i. Establishment of zoning districts which will regulate the location and use of buildings and other structures, water and land for trade, industry, residence and other purposes by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other spaces, and the density of use.
3. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, to the character of the districts and their suitability for particular use.

ARTICLE 3. DEFINITION OF WORDS

SECTION 3.1. RULES FOR CONSTRUCTION OF LANGUAGE

For the purpose of the administration and enforcement of this chapter, and unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

1. In case of any difference of meaning or implications between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
2. The word "SHALL" is always mandatory and not discretionary.
3. The word "MAY" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "USED FOR" includes "ARRANGED FOR," "DESIGNED FOR," "MAINTAINED FOR," "PROVIDED FOR," or "OCCUPIED FOR."
6. The word "PERSON" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
7. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "AND," "OR," or "EITHER...OR," the conjunction shall be interpreted as follows:
 - a. "AND" indicates that all the connected items, conditions, provisions or events shall apply;
 - b. "OR" indicates that the connected items conditions, provisions, or events may apply singly or in any combination;
 - c. "EITHER...OR" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
8. The word "INCLUDES" shall not limit a term, to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

SECTION 3.2. GENERAL DEFINITIONS

For purposes of this chapter, the following terms or words shall be used in interpretation of the purpose and intent:

ACCESS TO: The primary means of ingress and egress to abutting property from a dedicated right-of-way.

ADMINISTRATOR: City of Whitehouse Staff member charged with the approval of planning/development applications, or as appointed by the City Manager or Administrator.

BLOCK FACE: The portion of a block with a continuous frontage between two intersecting streets.

USEABLE AREA: That portion of a lot remaining after the required yards and setbacks have been provided.

BUILD-TO RANGE: A distance from a site's primary frontage in which a certain percentage of a structure must be located. Dimensions run parallel to the front lot line. For irregularly shaped property lines, the range will repeat the primary frontage's shape at a proportional width.

BUILDING: Any structure, either temporary or permanent, having a roof, and used or built for the enclosure of shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein.

1. ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the principal building on the same lot.
2. PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot in which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport shed, garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of any accessory building.
3. PERMANENT BUILDING: A building which is not equipped with wheels, or provisions for attachment for wheels, or skids for easy movement but is on pier and beam or concrete foundations; provided, however, this does not include metal or similar type buildings used for storage even when attached to concrete.
4. TEMPORARY BUILDING: A building which is equipped with wheels, or provisions for attachment for wheels, or skids for easy movement, but does not include mobile homes, travel trailers, or recreational vehicles. A temporary building shall be an accessory building as that is defined by this Ordinance.

BUILDING LINE: The line established by yard or setback requirements outside of which no principal building may be erected.

CENTERLINE: The line midway between the street right-of-way lines or the surveyed and prescribed centerline established by the Texas Department of Transportation or City Engineer which may not be the line midway between the existing or proposed street right-of-way lines.

COURT, GENERAL: An open space, other than a yard, on the same lot with a building or structure, which is bounded on two (2) or more sides by the walls of such building or structure.

1. **OUTER COURT:** A court enclosed on three (3) sides by exterior walls of a building or structure, or by exterior walls and lot lines of which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.
2. **INNER COURT:** A court which is completely surrounded by a building or buildings.

DENSITY: An existing or protected relationship between allowable lot area per dwelling unit for a district and the land area, zoned in each zoning district.

1. **GROSS DENSITY:** The determination of the number of dwelling units by dividing the total land zoned in each district by allowable lot area for that district.
2. **NET DENSITY:** The determination of the number of dwelling units by dividing that total land area zoned in each zoning district that is devoted only to residential uses by the allowable lot area for that district.

FAÇADE: Exterior wall of a structure or building.

FAMILY: One (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.

FRONTAGE: Distance measured along an abutting public street right-of-way.

GROSS LEASABLE FLOOR AREA (G.L.A.): The sum of the horizontal area of the floors of a building or buildings, measured from the exterior faces of exterior walls. In particular, floor area includes: attic space providing structural headroom of seven (7) feet or more; floor space of interior balconies or mezzanines; any other usable floor space for any purpose, no matter where located within a building, including accessory structures.

HOME OCCUPATION: Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business and not including any occupation which is not clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within the principal building or accessory building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than one (1) square foot in area and no other display or storage of, materials or exterior identification of the home occupation or variation from the residential character of the principal building or accessory building; and in connection with which no equipment used which creates

offensive noise, vibration, smoke, dust, odor, heat or glare and no partnership or the employment of more than one assistant in the performance of such business. Home occupations shall include professional services such as furnished by an architect, lawyer, physician, dentist, accountant, real estate brokers, insurance agents, engineers, musician, artist, seamstress, and services of a similar nature. No other occupation or business shall be permitted as a home occupation and those permitted shall obtain a Home Occupation Permit from the City of Whitehouse which, will be in compliance with the criteria stated in Section 21.7.

LIVE-WORK UNIT: Any fee-simple residential unit which contains a commercial enterprise anywhere within the unit.

LOT: A piece, parcel, tract or plot of land.

1. LOT AREA: The total horizontal area included within lot lines.
2. LOT COVERAGE: The ration of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
3. LOT DEPTH: The mean horizontal distance between the front and rear lot lines.
4. LOT LINE: The boundary, line of a lot.
 - a. FRONT: That property line which abuts on a public street, or in the event the property abuts on two (2) or more streets it shall mean that property line abutting on a street which has been so designated by the owner at the time of his/her application for a building permit.
 - b. SIDE: Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - c. REAR: That boundary of a lot which is most distance from and is, or is most nearly, parallel to the front lot line.
5. LOT OF RECORD: A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this chapter.
6. LOT, CORNER: Lot bounded by more than one (1) intersecting street.
7. LOT WIDTH: The mean horizontal distance between the side lot lines measured at the required from property line.
8. MANUFACTURED HOME: A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure existing at the time of passage of this Ordinance or amendment, thereto, which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.

NONCONFORMING LOT: Any single lot, tract or parcel of land in existence at the time of passage or amendment of this ordinance which does not meet the minimum dimensions, area or other regulations of the district in which it is located.

NONCONFORMING USE: Any land use existing at the time of passage or amendment of this Ordinance which does not conform to the provisions, requirements and regulations of the district in which it is located.

PARKING SPACE: An area of not less than one hundred sixty-two (162) square feet, exclusive of driveways and aisles, and adjacent to a driveway or aisle, with the minimum dimensions of nine (9) feet by eighteen (18) feet, designed so as to be used for the parking of a motor vehicle.

PEDESTRIAN AMENITIES: Features which make the pedestrian experience more enjoyable, including but not limited to benches, public art, fountains, arbors, and similar. Acceptable features shall be determined by the Administrator.

PLACE OF WORSHIP: A building or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services. Accessory uses including, but not limited to, day care centers, educational facilities, soup kitchens and retail sales are not included.

PLAZA SPACE: Landscaped, outdoor open space that is publicly accessible and includes some pedestrian amenities with some hard surface relief or green area. An urban, unstructured civic space that is un-programmed and generally limited to public gathering and interaction. Acceptability of provided amenities shall be determined by the Administrator.

PROPERTY LINE: See LOT LINE.

PUBLIC BODY: Any government or governmental agency, board, commission, or authority of the City of Whitehouse, Smith County, State of Texas, or the U. S. Government or any legally constituted district.

PUBLIC USE: The use of any land, water, or buildings by a public body for a public service or purpose.

RECREATIONAL VEHICLE: A vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projections, is self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RIGHT-OF-WAY: A strip of land or water acquired, dedicated or deeded to the perpetual use of the public.

ROWHOUSE: A single-family residential unit which shares one or more common walls with another similar unit.

SEMI-PUBLIC BODY: Includes churches and organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations and cultural activities.

SEMI-PUBLIC USE: The use of any land, water or building by a semi-public body.

SPECIAL EXCEPTION: A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to neighborhood, and approved through a public hearing of the Planning and Zoning Commission would protect the public health, safety, welfare, morals order, comfort, convenience, appearance or prosperity. Such uses may be permitted in such zoning districts as special exception as outlined in the applicable zoning districts.

STEALTH ANTENNA: A telecommunications antenna located on an alternative mounting structure that is effectively camouflaged or concealed from view. Examples may include architecturally screened roof-mounted antennas, building-mounted antennas matching the existing structure, and/or antennas integrated into architectural elements.

STEALTH TOWER: An artificial tree, clock tower, place of worship steeple, bell tower, utility pole, light standard, identification pylon, flagpole, sign, or similar structure, that is camouflaged to be unrecognizable as a telecommunications facility and is designed to support or conceal the presence of telecommunication antennas. Determination of designs meeting this definition shall be made by the Administrator.

STREET: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, place or however otherwise designated but does not include driveways to buildings.

1. ALLEY: A public or private right-of-way, not more than thirty (30) feet in width, which affords a secondary means of public or private access to property abutting thereon.

STREET RIGHT-OF-WAY: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is known, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line.

STRUCTURAL ALTERATION: Any change except for repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on ground, and having a height of four (4) inches or more except for patios, parking and loading facilities, walls or fences. (Also see ACCESSORY BUILDING)

1. ACCESSORY STRUCTURE: A structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.

TRAVEL TRAILER: See RECREATIONAL VEHICLE.

USABLE OPEN SPACE: That part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas or any other paved vehicular ways and facilities as well as all required minimum front yard areas.

USE: Any activity, functions or purpose to which a parcel of land or building is put and shall include the words used, arranged, or occupied, for any purpose, including all residential, commercial business, industrial, public or any other use.

1. ACCESSORY USE: A use which is wholly incidental to and supportive of the principal use on the same lot.
2. PRINCIPAL USE: The primary purpose for which land or building is used as permitted by the applicable zoning district.

VARIANCE: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owning the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

VEHICLE: Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

YARD: The open space existing on the same lot with a principal building; unoccupied and unobstructed by buildings from the ground upward, between the lot line and the building line.

1. FRONT YARD: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building.
2. REAR YARD: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard.
3. SIDE YARD: A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.
4. SIDE YARD, STREET: A yard adjacent to a street between the front and the rear lot line and being the minimum horizontal distance from the side lot line to the principal building.

ZONING DISTRICT: A portion of the territory of the City of Whitehouse, Texas, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

ZONING MAP: The term zoning map shall mean the Official Zoning Ordinance of the City of Whitehouse, Texas (this chapter), including the zoning map and all amendments to such zoning ordinance and zoning map.

SECTION 3.3. USE DEFINITIONS

For purposes of this chapter, the following use terms or words shall be used in interpretation of the purpose and intent:

APARTMENT: See-DWELLING, MULTIPLE FAMILY.

AUTOMOTIVE REPAIR FACILITY (MAJOR): An establishment used for mechanical: engine overhaul which includes the removal of engine, chassis, or body components for repair or replacement; and wherein the dispensing of gasoline may be included but no gasoline service stations. Body and paint shops shall also be considered major automotive repair facilities.

AUTOMOTIVE REPAIR FACILITY (MINOR): An establishment used for servicing of automotive vehicles which includes activities such as oil changes, lubrication, dispensing of gasoline, tune-up, tire replacement and repair, and wheel alignment and balancing, but not overhaul, body or paint shops. Brake and transmission shops and gasoline service stations shall also be considered minor automotive repair facilities.

BOARDING HOUSE: An establishment with lodging for four (4) or more persons, where meals with or without compensatory are regularly prepared and served to such lodgers, without service or ordering of individual portions from a menu.

BUSINESS SERVICE ESTABLISHMENT: Shall mean establishments providing supplies and services to business and professions and shall include copy, service, blue printing service, typing service, telephone answering service, office supply and stationery stores, delivery and messenger services, advertising agencies, direct mail service, detective agencies, employment agencies, collection agencies, and any other establishments offering goods or services of a similar nature, but not including establishments of research or light industrial nature.

CHILD DAY CARE CENTER: A place, home, building or location where care is provided for six (6) or more children under the age of seventeen (17) years. Such term specifically includes nursery schools, kindergartens or any other facility caring for children during the day or night.

CLINICS: A medical office or group of offices, used for the care, diagnosis and treatment of sick, infirm and injured persons, and those in need of medical or surgical attention, but not involving overnight care on the premises. Clinics may include accessory facilities for retail sales of pharmaceuticals, and medical, optical or dental supplies.

CONTRACTOR SHOPS AND YARDS: Shall mean stores, fabrication and repair shops and yards for cabinet makers and carpenters, electrical contractors, electric sign contractors, glaziers, heating and sheet metal contractors, linoleum and carpet contractors, painters, plumbers, roofers, tent and awning contractors, upholsterers, and any other concern of a similar nature, but not including concrete, mixing or asphalt plants.

DRY GOOD STORES: Shall mean establishments, selling clothing, linens, blankets, yardage and notions and. shall include; shoe repair stores, gift stores, notions stores, luggage stores, tailor shops, yardage stores, shoe stores, clothing stores, and other stores of a similar nature, but excluding variety stores, and department stores.

DWELLING UNIT: A "dwelling unit" consists of one (1) or more rooms which are arranged, designed or used as living quarters, including permanently installed individual bathrooms and complete kitchen facilities.

1. DWELLING, SINGLE FAMILY ATTACHED: A structure designed as one (1) dwelling unit at ground space and intended to be occupied exclusively by one (1) family and structurally connected by common walls or with separation of not more than, one (1) inch from at least one (1) or more other dwelling units.
2. DWELLING, SINGLE FAMILY DETACHED: A structure designed as one (1) dwelling unit and intended to be occupied exclusively by one (1) family and structurally connected to no other dwelling unit.
3. DWELLING, MULTIPLE FAMILY: A structure designed with more than one (1) dwelling unit with accommodations for each dwelling unit independent of each other and intended to be occupied by more than one (1) family.

EATING ESTABLISHMENTS: Shall mean establishments where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises, and shall include: restaurants, cafes, coffee shops, donut shops, ice cream parlors, soda fountains, hamburger and hot dog stands, sandwich shops, delicatessens, cafeterias and other stores of similar nature. The term eating establishment shall not include a drive-in restaurant unless so stated.

1. RESTAURANTS, CONVENTIONAL: Counter stools, consisting. of tables and/or booths, with the number of counter stools not exceeding the number of tables and/or booths seats; with all service indoors; and providing no service to persons in vehicles, or at walk-up windows and shall include restaurants, cafeterias and other stores of a similar nature.
2. RESTAURANTS, IN AND OUT SERVICE: Specializing in short-order foods and beverages including the preparation of food to be taken out and consumed off the premises; may be a total counter stool operation or with any combination of counter stools and/or tables or booths; and no service provided to persons in vehicles. Establishments dispensing food from service windows for consumption either on the premises or off the premises are classified as "in and out service." Such establishments shall include cafes, coffee shops, donut shops, ice cream parlors, soda fountains, delicatessens, and other establishments of a similar nature.
3. RESTAURANTS, DRIVE-INS: Any restaurant serving food and/or beverages to persons in their vehicle or consumption on the premises.

FINANCIAL INSTITUTIONS: Shall mean establishments and offices offering financial services or counsel and shall include full service banks, saving and loan institutions, stock brokers offices, banking companies, finance company offices, credit union offices and any other institutions of a similar nature.

FOOD STORES: Shall mean establishments selling food and/or drink products for consumption off the premises and shall include: convenience grocery stores, fruit and vegetable stores, bakeries, retail (limited preparation of products for on-premises sales), meat and fish stores, dairy product stores, butcher shops, candy stores, liquor and/or wine stores and other stores of a similar nature but excluding supermarkets unless so stated.

FURNITURE AND APPLIANCE STORES: Shall mean stores selling new or used furniture or appliance and providing incidental service and maintenance and shall include new and used furniture stores, appliance stores, antique dealers, carpet and linoleum dealers, and other establishments of a similar nature.

GARAGE, PUBLIC: A building or other structure which provides parking or storage for motor vehicles, but not for commercial nor public utility vehicles or the dead storage of motor vehicles and some or all of which parking spaces are non-accessory. A public parking garage may include accessory off-street parking spaces limited to such spaces which are accessory to other uses on the same lot.

HOUSEHOLD AND FAMILY SERVICE ESTABLISHMENTS: Shall mean a store or shop providing for the selling, repairing and/or maintenance of articles of normal home or family use and shall include: cleaning and drying establishments, coin operated laundries, lawn mower and saw sharpening; fix-it shops, smaller home appliance stores and repair shops, sewing machine stores, hardware stores, camera and photo supply stores, pet stores excluding veterinarian services, art stores, music stores, pawn shops, florist and any other shops of a similar nature; provided, however, that establishments for the selling, repairing and/or maintenance of vehicles or tires shall not be deemed to be household and family service establishments.

JUNKYARD: An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires, bottle and vehicles.

LIVING UNIT: Shall have the same meaning as "DWELLING UNIT."

MANUFACTURED HOUSING OR MANUFACTURED HOME: A mobile home or a modular home or both.

MOBILE HOME: A detached dwelling unit intended for occupancy by a single family suitable for year-round occupancy which is equipped with wheels or has provisions for attachment with wheels, and arrives at the site complete and ready for occupancy except for minor incidental unpacking, assembly and connections.

1. MULTI-SECTION MOBILE HOME: A structure, transportable in two or more sections, which when placed on a site is a minimum of twenty-four (24) feet in width and a minimum of forty (40) feet in length and which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U.S. Department of Housing and Urban Development.

2. SINGLE SECTION MOBILE HOME: A structure, transportable in one or more sections, which is twelve (12) body feet or more in width, and fifty-two (52) body feet or more in length, and which is built on a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U. S. Department of Housing and Urban Development.

MOBILE HOME SUBDIVISION: The division of a parcel of land into contiguous lots or parcels, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivisions, for the purpose of transfer of ownership and the subsequent placement of a mobile home on said lot or parcel for the establishment of a permanent residence.

MODULAR HOME: A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and is designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include a mobile home as defined in this ordinance, nor does it include building modules incorporating concrete or masonry as the primary structural component. For purposes in these regulations, the term includes only those structures manufactured after May 1, 1980, and bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards.

PERSONAL SERVICE ESTABLISHMENTS: Shall mean establishments and offices offering services for the health and welfare of the individual and shall include barber shops, beauty shops, reducing or slenderizing studios, steam or Turkish baths, and any other establishment of a similar nature, but not including any professional services.

PROFESSIONAL SERVICES: Shall mean services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts and any other individuals or groups offering professional services, of a similar nature.

RECREATIONAL AND SPORT STORES: Shall mean establishments selling sporting goods, bicycles, and other sports and recreational sporting goods, bicycles, and other sports and recreation equipment and shall include: sporting goods stores, ski sales stores, water diving equipment stores, gun shops, bicycle shops including bicycle repair, toy stores and any other stores selling goods of a similar nature, but excluding motorized recreation vehicle sales and services including cycle sales and services.

RESIDENCE: See DWELLING UNIT. SALVAGE YARDS: See JUNKYARD.

SHOPPING CENTER: A. group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking, loading and landscaping provided on the property.

TOURIST HOME: A building or part thereof other than a hotel, motel, motor lodge or boarding house, where lodging accommodations are offered to the public and intended primarily for rental to transients with daily charge.

ARTICLE 4. ZONING DISTRICTS

SECTION 4.1. ESTABLISHMENT OF DISTRICTS

In order to classify, regulate, and restrict the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use; and to promote the orderly urban growth within the corporate area of the City of Whitehouse, Texas, the following zones are established:

Agricultural Open (AO)
Residential Estate (R-E)
Residential Low Density (R-L)
Residential Medium Density (R-M)
Residential High Density (R-H)
Single-Family Manufactured Home (MH-SF)
Mobile Home Park (MH-P)
Recreational Vehicle Park (RV)
Retail/Office Low Intensity (C-L)
Retail/Office Medium Intensity (C-M)
Retail/Office High Intensity (C-H)
Town Center Main Street (TC-MS)
Town Center Highway 110 (TC-110)
General Industrial (GI)
Light Industrial/Business Park (LI-BP)
Planned Development (PD)

SECTION 4.2. DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designed and established as shown on the Zoning Map of the City of Whitehouse, Texas. The regulation of this Ordinance governing the use of land and buildings, the height of buildings, lot areas, setbacks, lot coverage, parking and loading requirements are hereby included within the boundaries of each and every district shown upon the Zoning Map.

SECTION 4.3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to the boundaries of the various districts on the Zoning Map, the following rules shall apply:

1. Location of district boundary lines.
 - a. Centerlines. Boundaries indicated as approximately following the centerlines of streets, highways, avenues, and alleys shall be construed to follow such lines.
 - b. Lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Corporate boundaries. Boundaries indicated as approximately following corporate boundaries shall be construed as following such corporate boundaries.

- d. Railroad lines. Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- e. Water lines. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
- f. Parallel lines. Boundaries that are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, shall be construed as being parallel thereto and at such distance therefrom as indicated by the scale shown on the Zoning Map.

2. Uncertainties.

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in case any other uncertainty exists, the Planning and Zoning Commission shall interpret the intent of the Zoning Map as to the location of district boundaries.

3. Street abandonments.

Where a public road, street, avenue, or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted; shall apply to such vacated or abandoned road, street, avenue, or alley.

4. Annexed areas.

All territory hereafter annexed to the City of Whitehouse shall be classified with a zoning designation consistent with the adopted Comprehensive Plan.

5. Special provisions for lots divided by district boundaries.

Where any lot, existing at the effective date of this Ordinance is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off-street parking and loading, or other regulations apply, the provisions of this subsection shall apply.

a. Use regulations.

- i. If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
- ii. If the lot is divided so that fifty percent (50%) of the lot area lies within each of two (2) or more districts, the applicable use regulations of the more restrictive district shall apply to the entire lot.

- b. Dimensional requirement regulations.
 - i. If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the dimensional requirement regulations applicable to the district containing the majority lot area shall apply to the entire lot.
 - ii. In cases where the lot is divided so that fifty percent (50%) of the lot area lies within two (2) or more districts, the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations and requirements for the district with the more restrictive regulations shall apply to the entire lot.

SECTION 4.4. APPLICATION OF DISTRICTS

1. Existing Uses.

In all districts after the effective date of this Ordinance:

- a. The use of any existing building or other structure may be continued.
- b. The use of any existing tract of land may be continued.
- c. The enlargement, alteration, conversion, reconstruction, rehabilitation, or relocation of any existing building or other structure shall be in accordance with the dimensional requirements regulations of the district within which the property is located and other applicable requirements of this Ordinance.
- d. Every existing building hereafter enlarged, altered, reconstructed, or relocated shall be on a lot herein defined, and in no case shall there be more than one principal building on one lot, unless otherwise provided in this Ordinance.

2. New Uses.

- a. In all districts after the effective date of this Ordinance, any new building or parcel of land shall be used, constructed, or developed only in accordance with the use and dimensional requirement regulations of the district within which the property is located and other applicable requirements of this Ordinance.

3. Uses not expressly provided for.

- a. In a district where an application is made for a use not expressly permitted or prohibited, the Administrator shall determine that use which is expressly prohibited or permitted most closely similar or allied to that use requested. In the event any applicant or citizen objects to a determination made by the Administrator, such person or persons may appeal their case to the City Council.

SECTION 4.5 USE TABLE

Uses shall be permitted in each district by right and condition as indicated in the following table. Cells in the table marked with a "P" indicate that a use is permitted by right. Cells marked with a "-" indicate that a use is not permitted. Cells with other text indicate that a use is permitted with conditions. See Article 20 for additional Special Requirements.

SECTION 4.6 DIMENSIONAL REQUIREMENTS

Dimensions of lots and structures shall conform the following table.

ARTICLE 5. AGRICULTURAL OPEN (AO)

SECTION 5.1. PURPOSE

The intent of this district is to provide for areas of the City for agricultural activities. Uses accessory to farming, ranching, or other agriculture are also permitted.

SECTION 5.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Auction Sales
 - i. Only sales directly related to agricultural activities are permitted
 - b. Kennel/Veterinary Clinic
 - i. Only enterprises involved in large animal or agricultural activities are permitted
 - ii. Domestic animal kennels or veterinary facilities are prohibited
 - c. Single-Unit Detached Residential
 - i. Permitted as an accessory to active or seasonal agricultural use only
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 5.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 5.4. SPECIAL REGULATIONS

In addition to Section 5.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);

3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 6. RESIDENTIAL ESTATE (R-E)

SECTION 6.1. PURPOSE

The intent of this district is to provide for areas of the City for estate and rural density, single-family, residential development. Public and semi-public uses and accessory structures as may be necessary and are compatible with rural density residential development are also permitted. The district is intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development; to provide policies which will encourage such development where public facilities and services may not rapidly become available; and to discourage any activities not compatible with such residential development.

SECTION 6.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Country Club or Golf Course
 - i. Permitted in conjunction with platted residential neighborhoods
 - b. Leasing or Renting of Rooms
 - i. No more than two (2) non-related individuals per unit permitted
 - c. Public Educational Facilities
 - i. Permitted only on streets classified as a Minor Collector or higher
 - d. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 6.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 6.4. SPECIAL REGULATIONS

In addition to Section 6.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 7. RESIDENTIAL LOW DENSITY (R-L)

SECTION 7.1. PURPOSE

The intent of this district is to provide for areas of the City for low density, single-family, residential development. Public and semi-public uses and accessory structures as may be necessary and are compatible with residential development are also permitted. The district is intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development; to provide policies which will encourage such development where public facilities and services are available; and to discourage any activities not compatible with such residential development.

SECTION 7.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Country Club or Golf Course
 - i. Permitted in conjunction with platted residential neighborhoods
 - b. Leasing or Renting of Rooms
 - i. No more than two (2) non-related individuals per unit permitted
 - c. Public Educational Facilities
 - i. Permitted only on streets classified as a Minor Collector or higher
 - d. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - e. Row House
 - i. Permitted at a density of less than or equal to five (5) dwelling units per acre
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 7.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 7.4. SPECIAL REGULATIONS

In addition to Section 7.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 8. RESIDENTIAL MEDIUM DENSITY (R-M)

SECTION 8.1. PURPOSE

The intent of this district is to provide for areas of the City for medium density, residential development in a variety of housing forms and configurations. Housing types may range from small lot single-family detached housing to low density multi-family housing. Public and semi-public uses and accessory structures as may be necessary and are compatible with residential development are also permitted. The district is intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development; to provide policies which will encourage such development where public facilities and services are available; and to discourage any activities not compatible with such residential development.

SECTION 8.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - b. Wireless Communications Towers/Facilities
 - i. Stealth only
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 8.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 8.4. SPECIAL REGULATIONS

In addition to Section 8.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);

4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 9. RESIDENTIAL HIGH DENSITY (R-H)

SECTION 9.1. PURPOSE

The intent of this district is to provide for areas of the City for high density, residential development in a variety of multi-family housing forms and configurations. Public and semi-public uses and accessory structures as may be necessary and are compatible with residential development are also permitted. The district is intended to encourage such development projects to locate within close proximity to activity centers; to serve as a buffer between low intensity land uses and other more intense land uses; to avoid undue traffic congestion by directing such new development to abut upon or have relatively close access to major transportation arteries; to encourage privacy, internal stability, attractiveness, order and efficiency in the areas by providing for adequate light, air, and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

SECTION 9.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - b. Wireless Communications Towers/Facilities
 - i. Stealth only
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 9.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 9.4. SPECIAL REGULATIONS

In addition to Section 9.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);

2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 10. SINGLE-FAMILY MANUFACTURED HOME (MH-SF)

SECTION 10.1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land within the City, together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provisions of this district are intended to protect and stabilize the essential characteristics of single-family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage development to occur where public facilities and services and other factors are available which are conducive to such residential development; and to discourage any activities not compatible with such residential development.

SECTION 10.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Additional Requirements.
 - a. Definitions. All manufactured housing permitted by this Article shall be identified according to Section 3.3, Use Definitions.
 - b. Underpinned/Skirted. All single and multi-section mobile homes shall comply with the following requirements:
 - i. Constructed with skirting which wraps completely around the structure from the base of the mobile home to the ground level beneath;
 - ii. Utilize skirting of a material with similar appearance to the mobile home or of a masonry material;
 - iii. Be a weather-resistant material which is specifically designed by the mobile home manufacturer for skirting (not to be construed to mean sheet metal, scrap metal, or polyurethane scrap material);
 - iv. Be skirted in such a way as to not allow access to the underside of the mobile home for storage and/or trash accumulation, but access only for repair purposes to the mobile home;
 - v. Be approved at the time the building permit is issued.

- c. Permanent Foundation. All single and multi-section mobile homes shall be placed on a permanent foundation as defined in Southern Building Code Section 1302-Footings and Foundations.
- d. Construction Standards. The following requirements relate to modular housing not bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards:
 - i. Any home built outside the City of Whitehouse to be moved into the City shall be built according to the following building codes:
 - 1. Building Code
 - 2. Electrical Code
 - 3. Plumbing Code
 - 4. Heating and Air Conditioning Code 2) Must have a Certificate of Compliance by a registered architect or engineer, or be inspected by the City of Whitehouse Inspection Department.
 - e. Building Permit. All manufactured housing permitted by this Article must be issued a building permit before such is brought to a site as for a site-built home.
- 4. Uses permitted with conditions.
 - a. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - b. Wireless Communications Towers/Facilities
 - i. Stealth only
- 5. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 10.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 10.4. SPECIAL REGULATIONS

In addition to Section 10.3, the following special regulations shall apply when required:

- 1. Access (See Section 21.2);
- 2. Nonconforming Uses (See Section 21.10);

3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 11. MOBILE HOME PARK (MH-P)

SECTION 11.1. PURPOSE

The intent of this district is to provide for mobile home park developments within the City, together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accommodate in such developments, mobile homes on rented parcels at acceptable densities; to accommodate the housing needs of those residents who prefer mobile home living and of those who desire an economic alternative to conventional dwellings; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relatively close access to major transportation arterials; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; and to protect mobile home parks from encroachment by incompatible uses.

SECTION 11.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Additional Requirements.
 - a. Mobile home space:
 - i. Each mobile home shall be located on a space that will permit each unit to be sufficiently supported and anchored in accordance with the Texas Department of Labor and Standards' Texas Mobile Home Tie-Down Standards.
 - ii. Each approved mobile home shall be clearly defined by stakes or such other type markers that physically delineate the location of each said space within a park development.
 - b. Skirting. A skirt or apron which is continually and properly maintained shall be required to surround each mobile home between the bottom of the unit and the ground.
 - c. Street or driveway improvements. All streets or driveways shall be paved or graveled in such a manner as to clearly distinguish the road from playgrounds and parks.
 - d. Street lighting. All streets or driveways within the park shall be lighted at night with electronic lights providing a minimum illumination of 0.2 footcandles.

- e. Usable open space. A minimum of twenty (20) percent of the gross usable land area within the mobile home park boundaries shall be designed for use as active and/or passive recreational area(s).
 - f. Parking. No parking shall be allowed on any mobile home park paved access or circulation drive.
4. Uses permitted with conditions.
- a. Recreational Vehicles
 - i. Shall be regulated as described in Article 12 (RECREATIONAL VEHICLE PARK). In case of conflict, the more restrictive code element shall prevail.
 - b. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - c. Wireless Communications Towers/Facilities
 - i. Stealth only
5. Specific Use Permits.
- a. See Specific Use Permits (SUP) Section 20.16.

SECTION 11.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 11.4. SPECIAL REGULATIONS

In addition to Section 11.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 12. RECREATIONAL VEHICLE PARK (RV)

SECTION 12.1. PURPOSE

The intent of this district is to provide land within the City for recreational vehicle parks together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with surrounding property. The district is specifically designed to accommodate in such developments, recreational vehicles on rented parcels at acceptable densities; to accommodate the temporary housing needs of those residents or visitors; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relatively close access to major transportation arterials; to provide policies which will encourage such activities to occur where public facilities and services are existing or within plans for improvement; and to protect recreational vehicle parks from encroachment by incompatible uses.

SECTION 12.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Additional Requirements.
 - a. Recreational Vehicle Space. Each recreational vehicle pad must provide space of at least 12' x 30' with a 12' wide path from road to pad and parking.
 - b. Pad Paving. All vehicle parking spaces shall be paved. All streets or driveways shall be paved or graveled in such a manner as to clearly distinguish the road from playgrounds and parks.
 - c. General Paving. Exposed ground surfaces in all other parts of the park shall be paved, covered with stone, or other material or protected with a vegetative growth, such that these materials are capable of preventing soil erosion and eliminating dust.
 - d. Maximum Tenancy. A person or corporation may not occupy a recreational vehicle park more than one hundred and eighty (180) consecutive days. The Administrator may extend the stated limit on a case-by-case and temporary basis.
 - e. Management. The holder of a valid City of Whitehouse business license for the operation of a recreational vehicle park shall be responsible for compliance with this Article. The license holder shall maintain the recreational vehicle park in a neat, orderly, and sanitary condition at all times. The license holder shall be responsible for maintaining a register of the occupants of the park, such a register shall indicate the following:
 - i. The name and occupation of each occupant;

- ii. The make, model, and year of all recreational vehicles;
 - iii. The license number, year of license, and owner name of each recreational vehicle and motor vehicle parked or stored in the recreational vehicle park;
 - iv. The State issuing such licenses;
 - v. The dates of arrival and departure of each recreational vehicle.
- f. Utilities. Electrical, water, sewer, and solid waste facilities shall be provided at a minimum to each pad site. Additionally, common toilets and showers shall also be installed for any parks that will allow recreational vehicles without toilet and shower facilities internal to the vehicle. All utilities and health facilities shall be installed and conform to engineering, building, and health regulations as other commercial zones.
- g. Street lighting. All streets or driveways within the park shall be lighted at night with electronic lights providing a minimum illumination of 0.2 footcandles.
- h. Usable open space. A minimum of twenty (20) percent of the gross usable land area within the recreational vehicle park boundaries shall be designed for use as active and/or passive recreational area(s).
- i. Parking. No parking shall be allowed on any paved access or circulation drives.
- j. Screening. All recreational vehicle parks shall provide screening:
- i. Along all property lines abutting public ROW
 - ii. Screening shall be opaque covering 100% of the property line allowing for:
 - 1. Driveway openings
 - 2. 12' by 12', 90° visibility triangle at all driveways if screen is located within 12' of the ROW line
 - iii. Screening shall include a privacy fence or masonry wall with a minimum height of eight (8) feet
 - iv. Minimum of one (1) canopy tree (minimum 3 inch caliper) on the ROW facing side of the fence per 100 linear feet
4. Uses permitted with conditions.
- a. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
 - b. Wireless Communications Towers/Facilities
 - i. Stealth only

SECTION 12.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 12.4. SPECIAL REGULATIONS

In addition to Section 12.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 13. RETAIL/OFFICE LOW INTENSITY (C-L)

SECTION 13.1. PURPOSE

The intent of this district is to provide for the harmonious inclusion of nonresidential or mixed uses in sensitive areas of the City in a low intensity manner. Frequently, though not exclusively, this district may be located in areas transitioning from residential to commercial use or for lands suitable for commercial development in close proximity to existing or planned residential uses, which is typical of residential lot sizes. The provisions of this district are also intended to encourage general commercial development to occur along major arterials or within neighborhood centers where sites are adequate for an intergraded design of commercial and business establishments, without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, detached residential, or other uses considered capable of adversely affecting the general business characteristics of this district.

SECTION 13.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Medical, Hospital, or Related Offices
 - i. Not to exceed four (4) beds/treatment rooms per structure
 - b. Pet Store/Kennel/Veterinary Clinic
 - i. No outside kennels/animal enclosures
 - ii. Runs are permitted outside with 100% opaque screening from ROW
 - c. Multiple-Unit Housing
 - i. Permitted on second floor or higher
 - d. Townhouse/Condominium
 - i. Permitted on second floor or higher
 - e. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
 - f. Hotels/Extended Stay Lodging

- i. Bed and Breakfast only
- g. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
- h. Wireless Communications Towers/Facilities
 - i. Stealth only
- 4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 13.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 13.4. SPECIAL REGULATIONS

In addition to Section 13.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 14. RETAIL/OFFICE MEDIUM INTENSITY (C-M)

SECTION 14.1. PURPOSE

The intent of this district is to provide for the harmonious inclusion of nonresidential or mixed uses in areas of the City in a medium intensity manner. Frequently, though not exclusively, this district may be located in areas transitioning from residential to commercial use or for lands suitable for commercial development in close proximity to existing or planned residential uses, which are typical of non-residential lot sizes. The provisions of this district are also intended to encourage general commercial development to occur along major arterials or within close proximity to neighborhoods where sites are adequate for an intergraded design of commercial and business establishments without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, detached residential, or other uses considered capable of adversely affecting the general business characteristics of this district.

SECTION 14.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Cemetery/Mausoleum
 - i. See Section 20-3
 - b. Vehicular and Equipment Rentals
 - i. Consumer Rentals only
 - c. Multiple-Unit Housing
 - i. Permitted on second floor or higher
 - d. Townhouse/Condominium
 - i. Permitted on second floor or higher
 - e. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
 - f. Wireless Communications Towers/Facilities
 - i. Stealth only

4. Specific Use Permits.

- a. See Specific Use Permits (SUP) Section 20.16.

SECTION 14.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 14.4. SPECIAL REGULATIONS

In addition to Section 14.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 15. RETAIL/OFFICE HIGH INTENSITY (C-H)

SECTION 15.1. PURPOSE

The intent of this district is to provide for the harmonious inclusion of nonresidential or mixed uses in areas of the City in a high intensity or regional manner. Frequently, though not exclusively, this district may be located in areas of existing or planned commercial use, which is typical of non-residential lot sizes. The provisions of this district are also intended to encourage general commercial development to occur along major arterials or within close proximity to neighborhoods where sites are adequate for an intergraded design of commercial and business establishments without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, detached residential, or other uses considered capable of adversely affecting the general business characteristics of this district.

SECTION 15.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Cemetery/Mausoleum
 - i. See Section 20-3
 - b. Vehicular and Equipment Rentals
 - i. Consumer Rentals only
 - c. Multiple-Unit Housing
 - i. Permitted on second floor or higher
 - d. Townhouse/Condominium
 - i. Permitted on second floor or higher
 - e. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
 - f. Wireless Communications Towers/Facilities
 - i. Stealth only
4. Specific Use Permits.

- a. See Specific Use Permits (SUP) Section 20.16.

SECTION 15.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements.

SECTION 15.4. SPECIAL REGULATIONS

In addition to Section 15.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);
2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

Article 16. TOWN CENTER MAIN STREET (TC-MS)

SECTION 16.1. PURPOSE

The intent of this district is to provide for portions of land within the historic central core of the City along Main Street (FM 346), typically for small to medium lot sizes, for a wide variety of land development consistent with historic and mixed-use styles found in Central Business Districts. The district is intended to encourage pedestrian activity through reduced setbacks, higher permissible development intensity, increased design quality, and additional site and building design flexibility.

SECTION 16.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Auction Sales
 - i. The sale and/or trade of animals is prohibited
 - ii. Outdoor storage is prohibited
 - iii. All display, storage, and sales areas must be enclosed within a structure
 - b. Car Wash
 - i. Permitted only as an accessory use to fueling stations
 - ii. Single bay, located behind primary building
 - iii. Temporary car wash events as fund raisers by public or semi-public groups permitted
 - c. Drive Through
 - i. Window, signage, and queuing lane shall be located on the side or rear of building
 - d. Fueling Station
 - i. Permitted only within 350 feet of the intersection of Major or Minor Arterials
 - ii. Maximum of four (4) pump stations located behind the primary building
 - e. Pet Store/Kennel/Veterinary Clinic

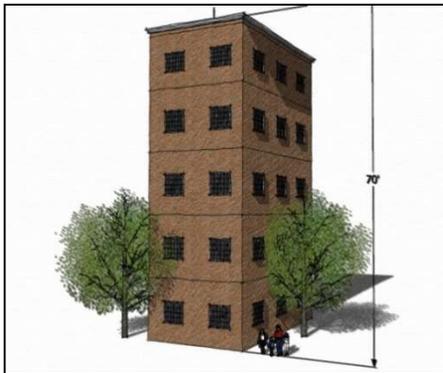
- i. No outside kennels/animal enclosures
 - ii. Runs permitted outside with 100% opaque screening from ROW
- f. Single-Unit Detached Housing
 - i. Permitted only on streets classified as a Minor Collector or lower
- g. Single-Unit Attached Housing
 - i. Permitted on second floor or higher
- h. Row House
 - i. Permitted only on streets classified as a Minor Collector or lower
- i. Multiple-Unit Housing
 - i. Permitted on second floor or higher
- j. Townhouse/Condominium
 - i. Permitted on second floor or higher
- k. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
- l. Public Educational Facilities
 - i. Permitted only on streets classified as a Minor Collector or higher
- m. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
- n. Wireless Communications Towers
 - i. Permitted if meeting the requirements for stealth towers

SECTION 16.3. DIMENSIONAL REQUIREMENTS

Block Face	
maximum perimeter	1,600'
maximum face	425'

Lot	
minimum size <i>(square feet)</i>	-
minimum width <i>(feet)</i>	50
maximum lot coverage <i>(including surface parking)</i>	90%

Bulk	
Building Height	
minimum <i>(for street-facing façades)</i>	21'
maximum	42'
incentive cap <i>(maximum height with incentives)</i>	70'
Residential Dwelling Units per Acre	
minimum <i>(n/a for mixed-use structures w/ min. 25% commercial)</i>	10
maximum	25
incentive cap <i>(maximum DU/acre with incentives)</i>	50



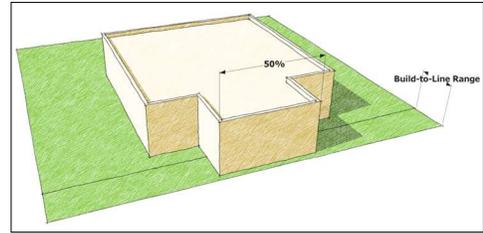
Building Height shall be measured to the structure's eave or roof deck. Church spires, chimneys, towers (water, fire, radio, and television), smoke stacks, flag poles, monuments; and other necessary mechanical appurtenance may be erected above the established height limits; however, the heights of these structures or appurtenance shall not exceed the height limitations within any airport flight approach zone. Minimum height for street-facing façades shall apply to the façade wall only. Minimum heights of roof elements which are obscured by the façade shall not be regulated for minimum heights. Structures shall not exceed forty-two (42) feet in height by right. With

Development Incentives structures may reach a maximum of seventy (70) feet in height.

By right sites shall not exceed twenty-five (25) dwelling units per acre. Sites which incorporate residential uses shall be designed with a minimum of ten (10) dwelling units per acre. Mixed use sites with a minimum of twenty-five (25) percent commercial may be designed with less than the minimum residential density.

Setbacks and Build-to Range	
Street Build-to Range	
range (feet)	0 to 20
percentage of façade <i>(that must be within the build-to range, may include plaza space to meet this requirement)</i>	50
side street percentage	50
Setback (feet)	
street	-
side <i>(sum of both sides in feet)</i>	-
rear	25' or rear alley

Structures shall be located on a site such that a minimum of 50% of the front façade is located within the build-to range. The build-to range shall be located from zero (0) to twenty (20) feet from the site's primary lot line.

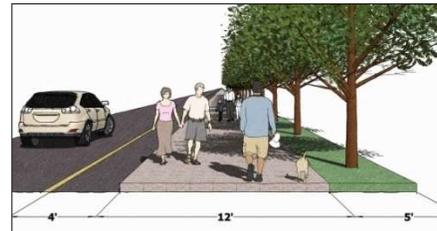


The width of plaza space which is located within the build to range may be counted toward this requirement.

Maximum street and side setbacks are not applicable within the district. Rear setbacks of 25' shall be required for sites which do not provide a rear alley.

Streetscape	
Visibility Triangle	
street/street	20' by 20' at 90°
driveway/street	12' by 12' at 90°
Sidewalk	
sidewalk (<i>within ROW, remainder on private site if necessary</i>)	12'
Encroachment of Private Sidewalk Furniture	
minimum unobstructed access along street	6' wide
minimum unobstructed access from storefront entry	6' wide
example furniture (<i>movable; maintained in state of cleanliness & good repair; free from nuisance, noise, glare, etc.</i>)	tables, umbrellas, chairs, benches, etc.
minimum vertical clearance for projected elements (<i>may not interfere with American Disabilities Act (ADA) conformance or City's ability to maintain ROW</i>)	7' when projecting more than 12"

Sites developed within the district shall provide a minimum sidewalk width of twelve (12) feet. The sidewalk shall be located within the ROW where possible. If insufficient ROW exists, the remaining sidewalk shall be provided within the lot. A sidewalk plan must be included with a site plan for approval by both the Administrator and local TxDOT engineers. Both the Administrator and TxDOT officials shall have the authority to reduce the sidewalk width to accommodate site-specific safety, drainage, or easement conditions.



SECTION 16.4. LANDSCAPING REQUIREMENTS

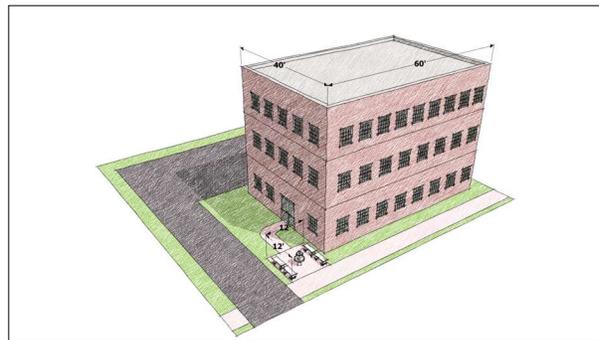
Landscaping Elements	
Site Landscaping (<i>for every 1,000 square feet of pervious surface, dispersed throughout publicly visible space on site</i>)	.5 (1 to 3 inch caliper) tree & 2 shrubs
Parking Lot Landscaping (<i>for every 6 parking spaces, excluding structured/roof-top parking, totals rounded up</i>)	.5 (1 to 3 inch caliper) tree & 2 shrubs

Coverage	
street trees <i>(may substitute for canopy/arcade in 25' segments)</i>	
separation/spacing <i>(may be grouped)</i>	1 per 20' of frontage following street line
location	within build-to-range or ROW
size	1 to 3 inch caliper
canopy/arcade <i>(may substitute for street trees in 25' segments, must be connected to a building's façade)</i>	
minimum extension	to midpoint of approved sidewalk design
length	95% of front façade, excluding driveways

The location of street trees within public ROW shall be provided on a site plan. Street tree species, location, and size details must be reviewed by the Administrator and local TxDOT officials.

Lighting/Plaza Space	
Parking Lot and Site Lighting	historic style lighting
Plaza Space <i>(100 square feet minimum, requirement capped at 5% of site; paved/improved including landscaping or seating; accessible from public sidewalk and for public use)</i>	1 square foot per 100 square feet of building floor area (sum of each floor footprint)

A site must provide one (1) square foot of plaza space for every 100 square feet of total building floor area. Plaza Space must be located outside the ROW and within or adjacent to the Build-To Range. Plaza Space must include Americans with Disability Act (ADA) compliant seating for at least two (2) persons. Floor area of parking levels built into the primary structure are excluded from building size square footage totals for the purpose of calculating the required plaza space. Detached parking structures are also excluded from the square footage total used for plaza space requirement calculation. Publicly accessible accessory structures shall be included in the total square footage.



SECTION 16.5. SCREENING REQUIREMENTS

Screening Elements (<i>Adjacent & developed single-family detached outside of the TC district</i>)	
Distance (<i>from the common property line</i>)	10'
Privacy Fence/Masonry Wall (<i>minimum 8 feet in height, maximum of 10 feet in height</i>)	required
Trees (<i>number of 3 inch caliper large canopy trees required per 100 linear feet</i>)	4
Sky Exposure Angle (<i>in degrees, measured at 14 feet above the combined setback and buffer yard line</i>)	45

SECTION 16.6. OFF-STREET PARKING REQUIREMENTS

Parking Type	
on-street parking	P
private driveway/garage	-
parking lot	P
parking structure	P

Minimum Number of Spaces	
residential (<i>unit</i>)	1
lodging (<i>bedroom</i>)	0.5
office (<i>1,000 square feet</i>)	2.5
commercial (<i>1,000 square feet</i>)	3.5
maximum development incentive reduction	20%

Location of Parking (<i>percentage of total, excluding driveways</i>)	
build-to range	up to 10%
remainder of site	up to 100%

Screening of Parking Lot	
impervious screening (<i>3 feet in height, 100% coverage</i>)	shrubs, earthen berm, fence, or similar

Off-Street Parking and Loading Facilities (Section 21.11) requirements not addressed in this Article shall apply additionally. In case of conflict, this Article shall prevail.

SECTION 16.7. STRUCTURE DESIGN REQUIREMENTS

Building Materials	
Permitted External Materials	
brick	P
EIFS	P
rock/stone	P
metal siding	-
wood siding	P
Colors	
color palette	earth tones, according to East Texas precedent
maximum colors per site	3
Materials Coverage	
front <i>(coverage in approved materials, excludes windows & doors)</i>	100%
sides <i>(coverage in approved materials, excludes windows & doors)</i>	100%
rear <i>(coverage in approved materials, excludes windows & doors)</i>	100%

Parking	
Structured Parking	screened from, or located greater than 50' from ROW

Façade	
Transparency	
applicable façade area <i>(front)</i>	minimum 60% from 2' to 10' at sidewalk height
applicable façade area <i>(other façades publicly assessable)</i>	minimum 25% from 4' to 8' at sidewalk height
applicable materials	clear or lightly tinted glass
excluded uses within applicable façade area	residential, religious, medical, educational
Blank Façade Limits	
maximum individual blank area	20' wide
separation requirements	minimum 2' transparency
exclusions	façades with enhanced architectural or artistic detailing as determined by the administrator

To increase pedestrian safety and comfort, structures shall be designed with façades with certain levels of transparency. Structures shall be designed with a minimum of sixty (60) percent transparency at sidewalk height.

Blank areas on publicly facing façades shall also be limited to

no more than twenty (20) feet in width. The Administrator shall have the authority to reduce this requirement in situations involving enhanced architectural or artistic façade work.



SECTION 16.8. SIGNAGE REQUIREMENTS

Freestanding (pole)	
Residential	-
Commercial/Mixed Use	-

Monument (ground)	
Residential	P
Commercial/Mixed Use	P

Building (attached)	
Banners, Pennants, and Streamers without a permit	-
Building Marker	P
Canopy/Awning	P
Identification	P
Marquee/Projecting	P
Reader Board	-
Roof	-
Suspended	P
Temporary (<i>excluding garage sale signs</i>)	-
Spectacular Signs (<i>moving, traveling, and blinking</i>)	display can change only once per min, running video
Wall	P
Window	P

Number, Dimensions, and Location of Individual Signs	
Monument (ground)	
Maximum Area (<i>square feet</i>)	72
Maximum Height (<i>feet</i>)	8
Minimum Setback (<i>linear feet</i>)	2
Number Permitted	
Per Feet of Street Frontage	1 per 100
Building (attached)	
Maximum Area as a Percentage of Principal Building Footprint Area	1%

Permitted Signs Lighting Characteristics	
Internal Illumination	P
External Illumination	P
Exposed bulbs or neon Illumination	P

SECTION 16.9. DEVELOPMENT INCENTIVES

Development Incentives	Max Dwelling Units	Parking Reduction	Building Height
Open Space Preservation (for each 20% decrease in impervious surface, from "Maximum Lot Coverage" (90%) to be used as publicly accessible open space, excludes utility or drainage facilities)	5%	-	5%
Mixed-Use Development (for each 10% of the conditioned area of a primarily residential structure devoted to retail or office; or each 10% of residential in a primarily retail/office structure)	10%	2.5%	10%
Green Building (if all publicly accessible buildings on site meeting certified LEED requirements)	10%	-	10%
Sidewalks (for every foot (1') wider than minimum requirement (12'), measured at narrowest point at ROW, excluding driveways)	5%	2.5%	5%
Plaza Space (for increased plaza space, each increase equivalent to the site's minimum requirement)	5%	2.5%	5%
Sidewalk Improvement (inclusion and maintenance of seating, public art, etc. within sidewalk)	5%	2.5%	5%
Structured Parking (for each 10% of on-site parking located in a structure or on a roof, parking levels do not count against building height limit)	5%	-	5%
<i>Sites may apply incentives for each row (incentive amount) to only one column (incentive trigger). Maximum Dwelling Units Incentives rounded to the nearest unit after all incentives are calculated. Parking Reduction is applied, then rounded to the nearest space. Building Height is applied in feet assuming 14 feet per floor.</i>			

SECTION 16.10. DEVELOPMENT PROCESS

1. General

- a. A site plan shall be required prior to development of any use or structure within the TC-MS District. A site plan shall be approved by the City in accordance with Article 22 of this Ordinance.
- b. A site plan shall additionally be approved by the local TxDOT office. TxDOT engineers shall have the authority to modify or alter requirements of this Article which pertain to land within TxDOT ROW, including but not limited to sidewalk widths, streetscape elements, landscaping, and encroachment.
- c. All improvements reflected on the approved site plan must be constructed at the time of development. All terms and conditions of the site plan must be met prior to issuance of a certificate of occupancy.

SECTION 16.11. SPECIAL REGULATIONS

In addition to Section 16.3, the following special regulations shall apply when required:

- 1. Access (See Section 21.2);
- 2. Nonconforming Uses (See Section 21.10);
- 3. Home Occupations (See Section 21.7);

4. Flood Hazard Areas (See Section 21.6);
5. Fences and Walls (See Section 20.15);
6. Driveways (See Section 21.2.3).

ARTICLE 17. TOWN CENTER HIGHWAY 110 (TC-110)

SECTION 17.1. PURPOSE

The intent of this district is to provide for portions of land within the historic central core of the City along Highway 110, typically for medium to large lot sizes, for a wide variety of land development consistent with historic and mixed-use styles found in Central Business Districts. The district is intended to encourage pedestrian activity through reduced setbacks, higher permissible development intensity, increased design quality, and additional site and building design flexibility.

SECTION 17.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses.
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Auction Sales
 - i. The sale and/or trade of animals is prohibited
 - ii. Outdoor storage is prohibited
 - iii. All display, storage, and sales areas must be enclosed within a structure
 - b. Car Wash
 - i. Permitted only as an accessory use to fueling stations
 - ii. Single bay, located behind primary building
 - iii. Temporary car wash events as fund raisers by public or semi-public groups permitted
 - c. Drive Through
 - i. Window, signage, and queuing lane shall be located on the side or rear of building
 - d. Fueling Station
 - i. Permitted only within 350 feet of the intersection of Major or Minor Arterials
 - ii. Maximum of four (4) pump stations located behind the primary building
 - e. Pet Store/Kennel/Veterinary Clinic

- i. No outside kennels/animal enclosures
 - ii. Runs permitted outside with 100% opaque screening from ROW
- f. Single-Unit Detached Housing
 - i. Permitted only on streets classified as a Minor Collector or lower
- g. Single-Unit Attached Housing
 - i. Permitted on second floor or higher
- h. Row House
 - i. Permitted only on streets classified as a Minor Collector or lower
- i. Multiple-Unit Housing
 - i. Permitted on second floor or higher
- j. Townhouse/Condominium
 - i. Permitted on second floor or higher
- k. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
- l. Public Educational Facilities
 - i. Permitted only on streets classified as a Minor Collector or higher
- m. Place of Worship
 - i. Permitted only on streets classified as a Minor Collector or higher
- n. Wireless Communications Towers
 - i. Permitted if meeting the requirements for stealth towers

SECTION 17.3. DIMENSIONAL REQUIREMENTS

Block Face	
maximum perimeter	1,600'
maximum face	425'

Lot	
minimum size <i>(square feet)</i>	-
minimum width <i>(feet)</i>	50
maximum lot coverage <i>(including surface parking)</i>	90%

Bulk	
Building Height	
minimum <i>(for street-facing façades)</i>	21'
maximum	42'
incentive cap <i>(maximum height with incentives)</i>	70'
Residential Dwelling Units per Acre	
minimum <i>(n/a for mixed-use structures w/ min. 25% commercial)</i>	10
maximum	25
incentive cap <i>(maximum DU/acre with incentives)</i>	50



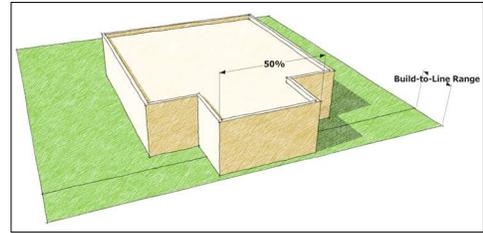
Building Height shall be measured to the structure's eave or roof deck. Church spires, chimneys, towers (water, fire, radio, and television), smoke stacks, flag poles, monuments; and other necessary mechanical appurtenance may be erected above the established height limits; however, the heights of these structures or appurtenance shall not exceed the height limitations within any airport flight approach zone. Minimum height for street-facing façades shall apply to the façade wall only. Minimum heights of roof elements which are obscured by the façade shall not be regulated for minimum heights. Structures shall not exceed forty-two (42) feet in height by right. With

Development Incentives structures may reach a maximum of seventy (70) feet in height.

By right sites shall not exceed twenty-five (25) dwelling units per acre. Sites which incorporate residential uses shall be designed with a minimum of ten (10) dwelling units per acre. Mixed use sites with a minimum of twenty-five (25) percent commercial may be designed with less than the minimum residential density.

Setbacks and Build-to Range	
Street Build-to Range	
range (feet)	0 to 60
percentage of façade <i>(that must be within the build-to range, may include plaza space to meet this requirement)</i>	50
side street percentage	40
Setback (feet)	
street	-
side <i>(sum of both sides in feet)</i>	-
rear	25' or rear alley

Structures shall be located on a site such that a minimum of 50% of the front façade is located within the build-to range. The build-to range shall be located from zero (0) to sixty (60) feet from the site's primary lot line.

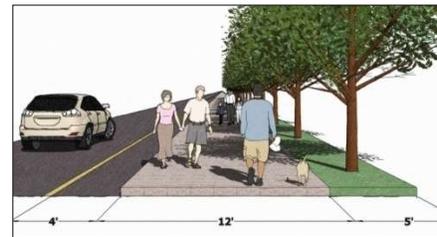


The width of plaza space which is located within the build to range may be counted toward this requirement.

Maximum street and side setbacks are not applicable within the district. Rear setbacks of 25' shall be required for sites which do not provide a rear alley.

Streetscape	
Visibility Triangle	
street/street	20' by 20' at 90°
driveway/street	12' by 12' at 90°
Sidewalk	
sidewalk (<i>within ROW, remainder on private site if necessary</i>)	12'
Encroachment of Private Sidewalk Furniture	
minimum unobstructed access along street	6' wide
minimum unobstructed access from storefront entry	6' wide
example furniture (<i>movable; maintained in state of cleanliness & good repair; free from nuisance, noise, glare, etc.</i>)	tables, umbrellas, chairs, benches, etc.
minimum vertical clearance for projected elements (<i>may not interfere with American Disabilities Act (ADA) conformance or City's ability to maintain ROW</i>)	7' when projecting more than 12"

Sites developed within the district shall provide a minimum sidewalk width of twelve (12) feet. The sidewalk shall be located within the ROW where possible. If insufficient ROW exists, the remaining sidewalk shall be provided within the lot. A sidewalk plan must be included with a site plan for approval by both the Administrator and local TxDOT engineers. Both the Administrator and TxDOT officials shall have the authority to reduce the sidewalk width to accommodate site-specific safety, drainage, or easement conditions.



SECTION 17.4. LANDSCAPING REQUIREMENTS

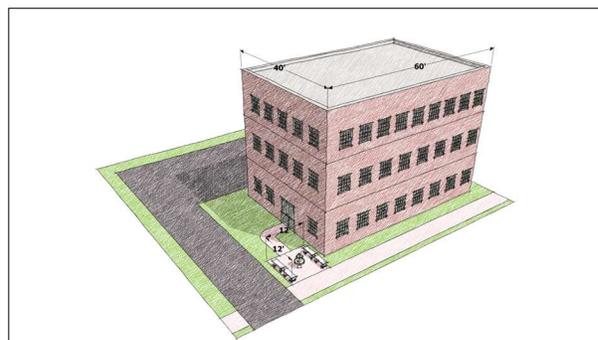
Landscaping Elements	
Site Landscaping <i>(for every 1,000 square feet of pervious surface, dispersed throughout publicly visible space on site)</i>	1 (1 to 3 inch caliper) tree & 4 shrubs
Parking Lot Landscaping <i>(for every 6 parking spaces, excluding structured/roof-top parking, totals rounded up)</i>	1 (1 to 3 inch caliper) tree & 4 shrubs

Coverage	
street trees <i>(may substitute for canopy/arcade in 25' segments)</i>	
separation/spacing <i>(may be grouped)</i>	1 per 40' of frontage following street line
location	within build-to-range or ROW
size	1 to 3 inch caliper
canopy/arcade <i>(may substitute for street trees in 25' segments, must be connected to a building's façade)</i>	
minimum extension	to midpoint of approved sidewalk design
length	95% of front façade, excluding driveways

The location of street trees within public ROW shall be provided on a site plan. Street tree species, location, and size details must be reviewed by the Administrator and local TxDOT officials.

Lighting/Plaza Space	
Parking Lot and Site Lighting	historic style lighting
Plaza Space <i>(100 square feet minimum, requirement capped at 5% of site; paved/improved including landscaping or seating; accessible from public sidewalk and for public use)</i>	1 square foot per 100 square feet of building floor area (sum of each floor footprint)

A site must provide one (1) square foot of plaza space for every 100 square feet of total building floor area. Plaza Space must be located outside the ROW and within or adjacent to the Build-To Range. Plaza Space must include Americans with Disability Act (ADA) compliant seating for at least two (2) persons. Floor area of parking levels built into the primary structure are excluded from building size square footage totals for the purpose of calculating the required plaza space. Detached parking structures are also excluded from the square footage total used for plaza space requirement calculation. Publicly accessible accessory structures shall be included in the total square footage.



SECTION 17.5. SCREENING REQUIREMENTS

Screening Elements <i>(Adjacent & developed single-family detached outside of the TC district)</i>	
Distance <i>(from the common property line)</i>	10'
Privacy Fence/Masonry Wall <i>(minimum 8 feet in height, maximum of 10 feet in height)</i>	required
Trees <i>(number of 3 inch caliper large canopy trees required per 100 linear feet)</i>	4
Sky Exposure Angle <i>(in degrees, measured at 14 feet above the combined setback and buffer yard line)</i>	45

SECTION 17.6. OFF-STREET PARKING REQUIREMENTS

Parking Type	
on-street parking	P
private driveway/garage	P
parking lot	P
parking structure	P

Minimum Number of Spaces	
residential <i>(unit)</i>	1.5
lodging <i>(bedroom)</i>	1
office <i>(1,000 square feet)</i>	2.5
commercial <i>(1,000 square feet)</i>	3.5
maximum development incentive reduction	10%

Location of Parking <i>(percentage of total, excluding driveways)</i>	
build-to range	up to 50%
remainder of site	up to 100%

Screening of Parking Lot	
impervious screening <i>(3 feet in height, 100% coverage)</i>	shrubs, earthen berm, fence, or similar

Off-Street Parking and Loading Facilities (Section 21.11) requirements not addressed in this Article shall apply additionally. In case of conflict, this Article shall prevail.

SECTION 17.7. STRUCTURE DESIGN REQUIREMENTS

Building Materials	
Permitted External Materials	
brick	P
EIFS	P
rock/stone	P
metal siding	-
wood siding	P
Colors	
color palette	earth tones, according to East Texas precedent
maximum colors per site	3
Materials Coverage	
front <i>(coverage in approved materials, excludes windows & doors)</i>	100%
sides <i>(coverage in approved materials, excludes windows & doors)</i>	100%
rear <i>(coverage in approved materials, excludes windows & doors)</i>	100%

Parking	
Structured Parking	screened from, or located greater than 50' from ROW

Façade	
Transparency	
applicable façade area <i>(front)</i>	minimum 30% from 2' to 10' at sidewalk height
applicable façade area <i>(other façades publicly assessable)</i>	minimum 25% from 4' to 8' at sidewalk height
applicable materials	clear or lightly tinted glass
excluded uses within applicable façade area	residential, religious, medical, educational
Blank Façade Limits	
maximum individual blank area	40' wide
separation requirements	minimum 2' transparency
exclusions	façades with enhanced architectural or artistic detailing as determined by the administrator

To increase pedestrian safety and comfort, structures shall be designed with façades with certain levels of transparency. Structures shall be designed with a minimum of sixty (60) percent transparency at sidewalk height.

Blank areas on publicly facing façades shall also be limited to



no more than twenty (20) feet in width. The Administrator shall have the authority to reduce this requirement in situations involving enhanced architectural or artistic façade work.

SECTION 17.8. SIGNAGE REQUIREMENTS

Freestanding (pole)	
Residential	-
Commercial/Mixed Use	-

Monument (ground)	
Residential	P
Commercial/Mixed Use	P

Building (attached)	
Banners, Pennants, and Streamers without a permit	-
Building Marker	P
Canopy/Awning	P
Identification	P
Marquee/Projecting	P
Reader Board	-
Roof	-
Suspended	P
Temporary (<i>excluding garage sale signs</i>)	-
Spectacular Signs (<i>moving, traveling, and blinking</i>)	display can change only once per min, running video
Wall	P
Window	P

Number, Dimensions, and Location of Individual Signs	
Monument (ground)	
Maximum Area (<i>square feet</i>)	72
Maximum Height (<i>feet</i>)	8
Minimum Setback (<i>linear feet</i>)	2
Number Permitted	
Per Feet of Street Frontage	1 per 100
Building (attached)	
Maximum Area as a Percentage of Principal Building Footprint Area	1%

Permitted Signs Lighting Characteristics	
Internal Illumination	P
External Illumination	P
Exposed bulbs or neon Illumination	P

SECTION 17.9. DEVELOPMENT INCENTIVES

Development Incentives	Max Dwelling Units	Parking Reduction	Building Height
Open Space Preservation (for each 20% decrease in impervious surface, from "Maximum Lot Coverage" (90%) to be used as publicly accessible open space, excludes utility or drainage facilities)	5%	-	5%
Mixed-Use Development (for each 10% of the conditioned area of a primarily residential structure devoted to retail or office; or each 10% of residential in a primarily retail/office structure)	10%	2.5%	10%
Green Building (if all publicly accessible buildings on site meeting certified LEED requirements)	10%	-	10%
Sidewalks (for every foot (1') wider than minimum requirement (12'), measured at narrowest point at ROW, excluding driveways)	5%	2.5%	5%
Plaza Space (for increased plaza space, each increase equivalent to the site's minimum requirement)	5%	2.5%	5%
Sidewalk Improvement (inclusion and maintenance of seating, public art, etc. within sidewalk)	5%	2.5%	5%
Structured Parking (for each 10% of on-site parking located in a structure or on a roof, parking levels do not count against building height limit)	5%	-	5%
<i>Sites may apply incentives for each row (incentive amount) to only one column (incentive trigger). Maximum Dwelling Units Incentives rounded to the nearest unit after all incentives are calculated. Parking Reduction is applied, then rounded to the nearest space. Building Height is applied in feet assuming 14 feet per floor.</i>			

SECTION 17.10. DEVELOPMENT PROCESS

1. General

- a. A site plan shall be required prior to development of any use or structure within the TC-110 District. A site plan shall be approved by the City in accordance with Article 22 of this Ordinance.
- b. A site plan shall additionally be approved by the local TxDOT office. TxDOT engineers shall have the authority to modify or alter elements of this Article which pertain to land within TxDOT ROW, including but not limited to sidewalk widths, streetscape elements, landscaping, and encroachment.
- c. All improvements reflected on the approved site plan must be constructed at the time of development. All terms and conditions of the site plan must be met prior to issuance of a certificate of occupancy.

SECTION 17.11. SPECIAL REGULATIONS

In addition to Section 17.3, the following special regulations shall apply when required:

- 1. Access (See Section 21.2);
- 2. Nonconforming Uses (See Section 21.10);
- 3. Home Occupations (See Section 21.7);
- 4. Flood Hazard Areas (See Section 21.6);

5. Fences and Walls (See Section 20.15);
6. Driveways (See Section 21.2.3).

ARTICLE 18. GENERAL INDUSTRIAL (GI)

SECTION 18.1. PURPOSE

The intent of this district is to provide sufficient space within the City, in approximate locations physically suitable for the development of certain types of retail-commercial sales and services, research operations, wholesale and storage distribution concerns, and enterprises engaged in general manufacturing, processing, and/or fabrication of products and machinery. The provisions of this district are intended to accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to major transportation facilities for the reception and eventual distribution of their goods and/or services; to require appropriate screening around such development either through natural features or landscaping in an attempt to maintain its compatibility with surrounding land uses; to provide for the most efficient and economic use of land through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will require such development to occur where public facilities and services are existing or within plans for improvement.

SECTION 18.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
2. Accessory uses
 - a. See Section 4.5 Use Table.
3. Uses permitted with conditions.
 - a. Office (Single Use)
 - i. As an accessory to industrial uses
 - b. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 18.3. DIMENSIONAL REQUIREMENTS

1. All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements. In addition:
 - a. Stated interior and rear setbacks may be 0 feet when structures abut and is used for railroad siding
 - b. Accessory structure height shall not exceed principal structure height

- c. All operations located within 100 feet of residential districts must be completely enclosed, excluding off-street parking and loading activities.
- d. No outdoor storage is permitted in setback areas

SECTION 18.4. SPECIAL REGULATIONS

In addition to section 18.3, the following special regulations shall apply when required:

- 1. Access (See Section 21.2);
- 2. Nonconforming Uses (See Section 21.10);
- 3. Off-Street Parking and Loading Facilities (See Section 21.11);
- 4. Home Occupations (See Section 21.7);
- 5. Flood Hazard Areas (See Section 21.6);
- 6. Fences and Walls (See Section 20.15);
- 7. Driveways (See Section 21.2.3).

ARTICLE 19. LIGHT INDUSTRIAL/BUSINESS PARK (LI-BP)

SECTION 19. PURPOSE

The intent of this district is to accommodate a variety of light industrial development styles such as industrial parks, clean manufacturing, office/showrooms, and similar uses in a planned campus setting. Retail, services, and similar uses serving the commercial/industrial uses may also be appropriate, if planned as integral elements of the primary use. The provisions of this district are intended to accommodate businesses, which require access to major roadways for ease of transporting goods and ease of access for customers. In addition to the use and area regulations of this section, development shall be in compliance with all other applicable provisions of this chapter.

SECTION 19.2. PERMITTED USES

1. Uses permitted by right.
 - a. See Section 4.5 Use Table.
 - b. Medical and dental research laboratories
 - c. Scientific and research laboratories
 - d. Equipment rental and sales
 - e. Warehousing and wholesale, general
 - f. Office-showroom/warehousing and distribution
 - g. Computer and hi-tech related industries
 - h. Light manufacturing, assembling, processing, and packaging
 - i. Office, general business, and professional
 - j. Repair services, general
 - k. Automobile leasing/renting
 - l. Business campus/industrial parks
 - m. Photographic processing
 - n. Dry cleaning and laundry plants
 - o. Printing, book binding, lithograph, and publishing concerns
 - p. Building materials sales or storage
 - q. Cabinet and upholstery shops

- r. Soft drink bottling plants
 - s. Professional and personal services
 - t. Food processing and storage
 - u. Bakery or confectionary
 - v. Radio and television broadcast studios
 - w. Business or commercial trade school
 - x. Government buildings and services
 - y. Railroad track and freight station
 - z. Parking lot/structure
2. Accessory uses
 - a. See Section 4.5 Use Table.
 3. Uses permitted with conditions.
 - a. Accessory/On-Site Housing
 - i. Permitted for management, leasing, or security employees
 4. Specific Use Permits.
 - a. See Specific Use Permits (SUP) Section 20.16.

SECTION 19.3. DIMENSIONAL REQUIREMENTS

1. All principal and accessory structures shall conform to Section 4.6 Dimensional Requirements. In addition:
 - a. Front setback of 25 feet along minor thoroughfares
 - b. Front setback of 50 feet along major thoroughfares
 - c. Zero lot lines permitted on sides with 15 foot setbacks on opposite side.
 - d. No outdoor storage is permitted in setback areas

SECTION 19.4. SPECIAL REGULATIONS

In addition to Section 19.3, the following special regulations shall apply when required:

1. Access (See Section 21.2);

2. Nonconforming Uses (See Section 21.10);
3. Off-Street Parking and Loading Facilities (See Section 21.11);
4. Home Occupations (See Section 21.7);
5. Flood Hazard Areas (See Section 21.6);
6. Fences and Walls (See Section 20.15);
7. Driveways (See Section 21.2.3).

ARTICLE 20. SPECIAL PROVISIONS

SECTION 20.1. PURPOSE

The purpose of this Article is to establish standards and considerations in order to achieve the maximum compatibility of the following listed uses with their immediate and general settings.

SECTION 20.2. ACCESSORY STRUCTURES

Detached accessory structures shall be at least five (5) feet from any principal structure on the same lot within residential districts, and shall be considered in the calculating of the total coverage.

SECTION 20.3. CEMETERIES AND MAUSOLEUMS

In addition to the requirements applicable to cemeteries and other such similar uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements.

a. Minimum parcel size.

The minimum parcel size for cemeteries and/or mausoleums shall not be less than ten (10) acres.

b. Minimum yard setbacks.

No part of any crypt, mausoleum, or other building, other than a subterranean grave, shall be less than fifty (50) feet from the nearest lot line.

c. Parcel coverage.

Crypts, mausoleums or other structures, other than monuments, shall together not occupy more than ten (10) percent of the total area.

2. Buffering and screening.

A continuous screening device shall be provided and maintained along all boundary lines separating cemeteries from any contiguous land.

SECTION 20.4. CHILD DAY CARE CENTERS

In addition to the requirements applicable to day care centers within districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet and in compliance with state law.

- b. Minimum lot width. The minimum lot width at the property line shall not be less than one hundred (100) feet.
- c. Minimum yard setbacks.
 - i. Front 25 feet
 - ii. Side, street 15 feet
 - iii. Side, interior 10 feet
 - iv. Rear 20 feet
- d. Maximum building height of principal structure 35 feet
- e. Maximum lot coverage 30 %
- f. Minimum outdoor play area. There shall be provided a minimum of not less than two hundred (200) square feet of outdoor play area per child. Said play area shall be provided on the same lot as the principal use, and shall not be located in the required front yard.

2. Buffering and screening.

- a. There shall be a fence six (6) feet in height surrounding all play areas. Such fencing shall be continuous with latching gates at exit and entrance points. The fencing may be of masonry construction, chain link or wood.
- b. In the case of special exceptions, the Planning and Zoning Commission may require that planting be placed on the outside of the above required fencing and may also require that such fencing areas be setbacks from any property line.

SECTION 20.5. CHURCHES AND OTHER HOUSES OF WORSHIP

In addition to the requirements applicable to churches and other houses of worship within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area 1 acre
- b. Minimum lot width 100 feet
- c. Minimum yard setbacks 35 feet
- d. Maximum building height of principal structure, excluding church spire 35 feet
- e. Maximum lot coverage 25%

2. Access.

All ingress and egress points shall be to or from arterials.

SECTION 20.6. FUNERAL HOMES AND MORTUARIES

In addition to the requirements applicable to funeral homes and mortuaries within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- | | |
|---|----------|
| a. Minimum lot area | 1 acre |
| b. Minimum lot width | 100 feet |
| c. Minimum yard setback | 35 feet |
| d. Maximum building height of principal structure | 35 feet |
| e. Maximum lot coverage | 30 % |

2. Access.

All ingress and egress points shall be to or from arterials.

3. Buffering and screening.

All such operations including the loading and unloading facilities shall be screened from abutting properties.

SECTION 20.7. GASOLINE SERVICE STATIONS AND CAR WASHES

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements' and regulations shall be complied with:

1. Gasoline-service station.

- a. Minimum lot area. The minimum lot area to be occupied by a gasoline service station shall not be less than twelve thousand (12,000) square feet with a lot frontage of not less than one hundred (100) feet.
- b. Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least fifteen (15) feet from any street right-of-way line, property line or buffer strip.
- c. Permitted uses.
 - i. Automobiles, trucks, luggage carriers, boats, trailers, but not including wrecks thereof, may be parked on the premises, only within a totally enclosed building.
 - ii. Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do not require body work, painting, or removal of engines from frames or

dismantling of differentials shall be permitted. Major adjustments or repairs at service stations shall only be permitted within zoning districts where such is so specified.

iii. Retail sale of:

1. Minor automobile parts and accessories, gasoline, diesel, fuel, kerosene, lubricating oils and greases; Articles dispensed by vending machines providing such vending machines are located under the roof of the principal structure.
2. Outdoor storage. No permanent outdoor storage of materials or products shall be permitted.
3. Facilities. No lift or repair facilities shall be located outside of the principal structure.
4. Groceries and other items generally sold at a retail store.
5. The serving of food for consumption on premises.

2. Car washes.

- a. Minimum lot area. The minimum lot area to be occupied by a car wash containing either one (1) conveyor belt washing stall or four (4) or less self-service and/or automatic washing stalls shall not be less than fifteen thousand (15,000) square feet. For each additional washing stall over one (1) or four (4), as the case may be, an additional two thousand (2,000) square feet shall be added to the minimum lot requirements.
- b. Compliance with other regulations. Except as provided for in the above paragraph, all car washes shall comply with the regulations of Section above.

SECTION 20.8. JUNKYARDS AND SALVAGE YARDS

In addition to the requirements within the GI district where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirement.

- | | |
|--|----------|
| a. Minimum lot area | 2 acre |
| b. Minimum lot location | |
| i. Distance from any residentially zoned district | 300 feet |
| ii. Distance from any street right-of-way line | 25 feet |
| iii. Distance from any other property line | 20 feet |
| c. Maximum building height of principal structures | 35 feet |

2. Buffering and screening.

The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous solid masonry wall or wood fence eight (8) feet in height without opening except for entrance and exits, which shall be equipped with unpierced gates.

SECTION 20.9. MOBILE HOME

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations shall be complied.

1. Location.

No person shall park, store or use a mobile home on any lot other than in a licensed mobile home park district within the corporate limits of the City of Whitehouse, except that a mobile home may be used as a temporary office or shelter incidental to construction or development of premises on which the mobile, home is located, only during the time construction or development is actively underway. Mobile home sales establishments, excluding the use of mobile homes as living units, shall be permitted the C-H or GI districts only unless otherwise provided for this ordinance.

2. Additional Requirements.

Mobile homes that now exist in single-family or multiple family residential districts shall be required to meet the Texas Department of Labor and Standards' Texas Mobile Home Tie-down Standards. A skirt or apron which is continually and properly maintained shall also be required to surround each mobile home between the bottom of the unit and the ground.

SECTION 20.10. NURSING AND CONVALESCENT HOMES

In addition to the requirements within the R-H, C-L, C-M, and C-H districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- | | |
|---|--------------------|
| a. Minimum lot area | 10,000 square feet |
| b. Minimum lot width | 100 feet |
| c. Minimum yard setbacks | 25 feet |
| d. Maximum building height of principal structure | 35 feet |
| e. Maximum lot coverage | 20 % |

2. Access.

All ingress and egress points shall be to or from arterials.

3. State and Federal regulations.

Such uses shall meet the minimum requirements as set forth by the state or federal agencies regulating such activities, and shall upon application, for either building permit or occupancy certificate, submit certificates indicating approval by such state or federal agencies.

SECTION 20.11. PUBLIC AND PRIVATE UTILITIES

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

All such requirements for such facilities shall be in accordance with the principal dimensional requirements of the district in which such facilities are permitted.

2. Buffering and screening.

- a. Equipment storage. Any unhooused equipment shall be enclosed by a chain-link fence of not less than six (6) feet in height without openings except for entrances and exits, which shall be equipped with unpierced gates or other screening as approved by the Planning and Zoning Commission; however, when the equipment is totally enclosed within a building, no fence or other screening device shall be required. Residential districts. In residential districts, such facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility or create hazardous effects; however, such other equipment may be stored in residential districts provided it is enclosed within a building or properly screened.

SECTION 20.12. VETERINARY HOSPITALS AND CLINICS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

- a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet.
- b. Minimum lot width. The minimum lot width at the building line shall not be less than one hundred (100) feet.
- c. Minimum yard setback. All buildings and structures excluding fences or walls shall be set back a minimum distance of twenty-five (25) feet from any residential district boundary. All other setbacks shall conform to the requirements of the district such uses are located.
- d. Additional requirements. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the maximum building height regulations of the district in which such facilities are permitted.

2. Additional regulations.

- a. No such facilities shall be permitted to have outside cages or runs except those permitted in industrial districts.
- b. All such facilities shall be sound proof so as to prevent any noise from being heard outside any building or structure. Outside cage structures permitted in industrial districts shall not be required to be sound proof.

SECTION 20.13. RADIO AND TELEVISION TRANSMISSION TOWERS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.

a. Tower location.

Towers shall be centrally located on the site so as to provide a minimum distance equal to one and a half (1.5) times the height of the tower from all property lines.

b. Anchor location.

All tower supports and peripheral anchors shall be located entirely within the boundaries of the property and in no case less than ten (10) feet from the property line.

c. Minimum yard setback - accessory structures.

All accessory structures shall conform to the setback requirements for the district in which the use is located.

2. Buffering and screening.

A chain-link fence of not less than eight (8) feet in height from finished grade shall be provided around each tower; however, no such fencing shall be required when a tower is affixed to the roof of a building.

3. Equipment storage.

No equipment, mobile, immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.

4. Aircraft hazard.

No tower shall be permitted to encroach into or through an established airport approach plan.

SECTION 20.14. PLANNED DEVELOPMENT DISTRICT REGULATIONS

1. PURPOSE.

It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land. Certain freedom of choice as to

intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of either this Ordinance or the Comprehensive Plan for the City. Property may be classified under the "PD" Planned Development District Zone either in combination with another zoning district and so designated by the letters "PD" affixed to the code letters of the base district, or a single zoning district. When "PD" designation is affixed to another base district, development may proceed in accordance with the provisions of this section.

2. Use Regulations.

A building or site in this zoning district may be used for any use allowed in the Ordinance, except those uses specifically prohibited by this Ordinance.

3. Height, Lot, and Yard Requirements.

The height, lot and yard requirements shall conform to those requirements of the appropriate Section of this Ordinance for the appropriate, intended use, except that modifications in these regulations may be granted if shall be found that such modifications are in the public interest, are in harmony with the purposes of this ordinance, and will not adversely affect nearby properties.

4. Area Requirements.

For the purposes of this Ordinance, the entire tract to be zoned "PD" may be considered as one building lot, or separate areas intended for separate land uses may, be considered as separate building lots. Area requirements shall conform to those regulations for the appropriate intended use, except that for each seventy-five (75) dwelling units, one (1) acre shall be designated and appropriately developed as open or recreation space. Such open space shall be computed as the ratio of the actual number of dwelling units bears to this requirement.

5. Utilities.

All utilities within a "PD" development shall be underground.

6. Sidewalks.

All streets within a "PD" shall have a minimum four (4) foot wide concrete sidewalk on at least one side of the street with handicap ramps at the intersections of the sidewalks and the streets.

7. Special Conditions.

The following special conditions shall apply to uses located in this zoning district:

- a. All requirements of the Subdivision Regulations of the City pertaining to procedure, plan, and design criteria among others shall be complied with, except for height, lot, yard, and area requirements as designated in this Ordinance.
- b. Prior to beginning development with a Planned Development District established in accordance with this section, the City Council shall require a Site Plan of the Development. Such site plan shall be submitted to the Planning and Zoning Commission for review for recommendations to the City Council prior to approval by the City Council. Such site plan shall be approved and filed as part of the Ordinance prior to the issuance of any building permits in a Planned Development District. Such required plan shall set forth the requirements for ingress and egress to the property, public or private streets or drives; adequate right-of-way to conform to the thoroughfare plan of the City, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping, building locations, recreation areas and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property, including varying the uses allowed, and their location within the district.
- c. In addition to the site plan, the Owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms with the provisions of the district and to determine the affect of the proposed development on population densities, streets, utilities, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and calculations shall become a part of the amendment for the "PD" district and shall form the basis for issuance of a building permit on conformity therewith.
- d. Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Ordinance as applicable to the property involved. In approving the Planned Development 'District, the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District and such conditions 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.
- e. All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form or by subsequent amendments thereto 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 in the Appendix of this Ordinance.

SECTION 20.15. FENCES AND WALLS

1. PURPOSE.

In any residential district or along the common boundary between any residential or nonresidential district where a wall, fence or other screening separation is erected, or where a screening wall or fence is required as provided herein, the following standards shall be observed:

2. Height of Fence or Wall.

- a. Any living plant screen erected or placed in front of the minimum required front yard line shall not exceed four (4) feet in height above the adjacent grade. No fence walls or building shall be allowed in the front yard.
- b. Any fence, screen, wall or other visual barrier erected or placed behind the minimum required front yard line may be erected to a maximum height of eight (8) feet above the adjacent grade.
- c. No fence, screen, wall or other visual barrier shall be located or placed in such a manner as to obstruct the vision of a motor vehicle driver approaching any street intersection. At all street intersections clear vision shall be maintained across the lot for a distance of twenty (20) feet back from an existing property corner or from a projected property corner along both intersecting streets.
- d. No fence, screen, wall or other visual barrier shall be located or placed on corner lots that extend beyond the building set back lines in both front and side streets.

3. Screening Walls or Visual Barriers.

A screening wall or visual barrier shall be erected or placed in all locations and in accordance with all provisions specified following:

- a. A screening wall or visual barrier shall consist of a fence, wall or living screen not less than eight (8) feet in height, which does not contain openings constituting more that forty (40) square inches in each one (1) square foot of surface (approximate openings – 28%), and the surface of such shall constitute a visual barrier.
- b. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.
- c. Only in the case of the permitted use of a living plant screen, two (2) full growing seasons to a maximum time of eighteen (18) months shall be allowed to attain the required height and screening characteristics specified above.
- d. Prior to the issuance of an Occupancy Permit, all approved screening walls or visual barriers must be in place.

- e. All screening walls or visual barriers shall be permanently and continually maintained in a neat and orderly manner as a condition of use. This condition may be noted on the Occupancy Permit, which may be revoked for failure, to adequately maintain such screening wall or visual barrier.
- f. Screening walls or visual barriers shall be the responsibility of the developer developing adjacent to an existing development and shall be placed and maintained in the following locations:
 - i. Along any property line or district boundary between any single family detached or attached or any two family use and any multi-family, mobile home park, commercial or industrial use, but not across a dividing street between such uses.
 - ii. Along any property line or district boundary between any multi-family use and any commercial or industrial use, but not across a dividing street between such uses.
 - iii. All allowed open storage or materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment or commodities shall be stacked no higher than one (1) foot above the top of the screening wall or visual barrier.
 - iv. Garbage, trash, or refuse containers shall not be located in front of the main building, and must be screened from view of the public.
 - v. All wrecking yards, junk yard, or salvage yards shall be screened on all sides.
 - vi. All loading facilities facing any street shall be screened from view from the street.
 - vii. Display of new or used, in good condition, vehicles, equipment, or commodities for sale to the general public need not be screened if they are, in the opinion of the Administrator, maintained in a neat and orderly manner.
 - viii. Swimming Pools - All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five (5) feet to any bounding property line of the lot or tract on which it is located. No pool may extend into any dedicated easement. All pools must be enclosed by a fence or wall no less: than six (6) feet in height and have self-latching gates.
 - ix. In the case of a required Site Plan Approval, a variance to these provisions may be allowed, or additional provisions required, as a part of such Site Plan Approval.

SECTION 20.16. SPECIFIC USE PERMITS (SUP)

1. PURPOSE.

- a. The purpose and intent of a Specific Use Permit (SUP) is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.
- b. Each application for an SUP shall be submitted to the Planning and Zoning Commission for recommendation after public hearing before the Commission in the same manner and for the same period as required for amendments relating to other matters before the Commission.
- c. The City Council of the City of Whitehouse, Texas, after public hearing and proper notice to all parties affected, and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits. All SUP applications shall be accompanied by a site plan (see Section 22.6).

2. SPECIFIC USE PERMIT REGULATIONS.

- a. The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to ensure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic or other undesirable or hazardous conditions.
- b. Every Specific Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning. In the event the buildings, premise, or land uses under the SUP is voluntarily vacated or if the ownership is voluntarily transferred, or if such buildings, premise, or land is more than fifty percent (50%) destroyed by fire or other causes, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate SUP is granted for continuation of the use.
- c. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the SUP shall be willing to accept and agree to be bound by and comply with the written requirements of the SUP, as attached to the site plan drawing and approved by the Planning and Zoning Commission and City Council.

- d. A building permit shall be applied for and secured within six (6) months from the time of the granting of the SUP provided; however, the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission. In the absence of such completion or extension, the SUP shall be void and ineffective.
- e. No buildings, premise or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate SUP is granted for such enlargement, modification, structural alteration, or change.
- f. All Specific Use Permits approved in accordance with the provisions of this ordinance in its original form or as hereafter amended shall be referenced on the Zoning District Map.

3. USE REGULATIONS.

A building or premise used for any of the following purposes shall be permitted by Specific Use Permit only.

- a. AO
 - i. Airport/Heliport
 - ii. Sand, Gravel, Stone, Petroleum Extraction, or Storage and other Mining
 - iii. *Private School*
 - iv. Electric Power Generating Plant
 - v. Private Utility
 - vi. Gun Club or Shooting Range
 - vii. Fairgrounds/Exhibit Area
- b. R-E, R-L, R-M, R-H
 - i. Private Street Subdivision/Gated Development
 - ii. *Private School*
 - iii. Homebuilder Marketing Center
 - iv. Rehabilitation Care Facility
- c. MH-P, MH-SF
 - i. Homebuilder Marketing Center
 - ii. Rehabilitation Care Facility
- d. C-L, C-M, C-H
 - i. Airport/Heliport
 - ii. Private School
 - iii. Flea Market
 - iv. Farmer's Market
 - v. Portable Building and Manufactured Housing Sales
 - vi. Fairgrounds/Exhibition Area
 - vii. Rehabilitation Care Facility
 - viii. Sand, Gravel, Stone, Petroleum Extraction, or Storage and other Mining
 - ix. Private Club
 - x. Truck Sales (Heavy Trucks)
 - xi. Recreational Vehicle and Mobile Home Sales
 - xii. Animal Exhibition
 - xiii. Electric Power Generating Plant
 - xiv. Contractor's Shop/Storage Yard

- xv. New and Used Car Dealership
- xvi. Automobile Leasing/Renting
- e. GI
 - i. *Airport/Heliport*
 - ii. Cellular communication tower
 - iii. Radio, television, or satellite antenna support structure if it exceeds 35 feet in height (commercial)
 - iv. *Animal Exhibition*
 - v. *Farmer's Market*
 - vi. *Flea Market*
 - vii. Private Club
 - viii. *Concrete/Asphalt Batching Plant*
 - ix. *Sand, Gravel, Stone, Petroleum Extraction, or Storage and other Mining*
 - x. *Salvage/Reclamation of Products*
 - xi. *Arsenal*
 - xii. *Any industrial use which (due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, and vibration; or danger of fire, explosion, or radiation; as many be determined by health, fire, or building officials) is presently or in the future likely to be a hazard or nuisance to adjacent property or the community at large.*
- f. LI-BP
 - i. Airport/heliport
 - ii. Cellular communication tower
 - iii. Radio, television, or satellite antenna support structure if it exceeds 35 feet in height (commercial)
 - iv. Services stations and car washes
 - v. Retail, single tenant (10,000 square feet or more)
 - vi. Hotel or motel
 - vii. Child/adult daycare centers
 - viii. Private school
 - ix. Recycling center
 - x. Restaurant with drive-through
 - xi. Veterinarian hospital, clinic/kennel
 - xii. Arcade
 - xiii. Commercial amusement (indoors and outdoors)
 - xiv. Flea market
 - xv. Farmer's market
 - xvi. Sewage treatment plant
 - xvii. Fairgrounds/animal exhibition areas
 - xviii. Private club
 - xix. Arsenal/ammunition and firearm sales and storage
 - xx. Plant nursery
 - xxi. Rehabilitation care facility
 - xxii. Electrical power generating plant
 - xxiii. Nuclear research and development laboratory or pharmacy

Please note that the italicized words, designated above, are uses permitted by right or uses permitted by special exception that currently exist within the respective zoning districts of the City of Whitehouse.

SECTION 20.17. TEMPORARY USE PERMITS (TUP)

All uses of a temporary or special nature may be authorized by the City Manager for a period not to exceed 180 days. A temporary Use Permit shall be required.

ARTICLE 21. GENERAL PROVISIONS

SECTION 21.1. SCOPE

Provisions set forth in this Article apply to the entire corporate area of the City of Whitehouse, Texas, and all zoning districts therein.

SECTION 21.2. ACCESS

1. Use of residentially owned property for access.

No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption of this Ordinance which does not abut a public street.

2. Access to commercial uses.

Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercially zoned property; provided, however, access may be permitted from any major collector or major thoroughfare and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.

3. Driveways.

- a. No driveway entrance shall interfere with municipal facilities such as street light poles, traffic signal standards or detectors, signs, catch basins, hydrants, crosswalks, bus stop areas, utility poles, fire alarm supports, underground pipes or ducts or other necessary street structures. Arrangements shall be made with the proper authority for the adjustment or relocation of the facility affected and/or adjustments made in the driveway design, before a permit will be issued.
- b. No parking or maneuvering shall be allowed within the street right-of-way between the curb, improved roadway or travel portion of the right-of-way property line. No future on-street parking shall be allowed other than parallel.
- c. Where in the opinion of the City Engineer, a driveway is proposed that meets all requirements of this division, yet will, by its location or design or other element, be unduly hazardous, the City Engineer has the authority to deny such driveway location and/or design. Any appeal to his/her decision shall be made to the Planning and Zoning Commission.
- d. Where strict compliance with the provisions of this division may result in hardship or undue traffic congestion, the following procedures are established:
 - i. Minor driveway modification: The City Engineer may relax these requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship,

provided such relief may be granted without detriment to the public good and with impairing the intent and purpose of this division or desirable general development of the City's Thoroughfare program in accordance with the intent of the official Thoroughfare Plan. Appeals from these decisions shall be handled as a major driveway modification.

- ii. Major driveway modification: The Planning and Zoning Commission may relax these requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this division or the desirable general development of the City's Thoroughfare program in accordance with the Thoroughfare Plan. No modifications shall be granted unless two-thirds (2/3) of the Planning and Zoning Commission vote affirmatively for such modification.
- e. Noncommercial Driveways. The minimum width for a noncommercial driveway shall be ten (10) feet and the maximum width for a noncommercial driveways shall be twenty five (25) feet, measured at right angles to the centerline of the driveway, except as increased by radii or flares. The minimum width of noncommercial driveway flares and radius shall be five (5) feet. No noncommercial driveway cut shall be closer than fifteen (15) feet to the end of a curb return at an alley or street intersection. The centerline of the driveway shall meet the curbline as close as practical to a ninety (90) degree angle. Anything less than seventy (70) degrees shall be considered a major modification. At a property line, with an adjacent, property or alley, no part of the curb opening for a driveway shall extend beyond the property line projected at right angles to the curbline except upon submission of a letter from the adjoining property owner stating such owner has no objection, and only then will it be allowed when five (5) feet separates any existing driveway and when such does not create a hazard. Common driveways for two residential land uses may be allowed with the maximum combined width of thirty (30) feet.
- f. Commercial Driveways. A two way commercial driveway shall have a minimum width of twenty five (25) feet and a maximum width of forty (40) feet, and a one way commercial driveway shall have a minimum width of fifteen (15) feet and a maximum width of thirty (30) feet, both to be measured along the right-of-way line, except as increased by permissible radii or flares. The minimum width of flare and radius shall be ten (10) feet and the maximum shall be twenty (20) feet. No commercial driveway shall be closer than eighty (80) feet to the end of a curb return at a street intersection. The centerline of the driveway shall meet the curbline as close as practical to a ninety (90) degree angle. Anything less than seventy (70) degrees shall be considered a. major modification. At a property line with an adjacent property or alley, no part of the curb opening for a driveway shall extend beyond the property line projected at right angles to the curbline except upon submission of a letter from the adjoining property owner stating such owner has no objection, and only then will it be allowed when twelve (12) feet separates any existing or future driveways and when such does not create a hazard, and the radii of the two driveways shall not conflict. A curb length of not less than twenty (20) feet shall be left undisturbed between adjacent driveways on the same property or adjoining properties under the same ownership. A minimum island width of ten (10) feet measured both at the right-of-way and a point four (4) feet outside of the curbline may be permitted

between adjacent one-way drives serving as a combined entrance exit facility. Such driveways must be clearly signed as entrance and exit. Each property shall be limited to for the first one hundred fifty (150) feet of property frontage along a right-of-way, a maximum of two (2) driveways. For each additional one hundred (100) feet of property frontage along a right-of-way, a maximum of one additional driveway. In no case shall more than sixty (60) percent of the property frontage along a right-of-way be used for driveway purposes. Where driveways serve gasoline filling stations, parking lots, drive-in groceries and other commercial drive-in establishments serving the driver or passenger while they remain in the vehicle, provisions shall be made to prevent driving over the sidewalk area except at the designated driveways. Suitable curbs or barriers shall be constructed on all portions of the property adjacent to the right-of-way line with the exception of the points of driveway access. Such curbs or barriers shall be constructed of concrete or wood timbers or other suitable materials firmly set out or anchored in the ground and the barrier shall extend at least six (6) inches above the ground or paved area.

- g. Materials of Construction. All driveways and parking lots shall be constructed with concrete or asphalt with an iron ore base as specified in The Water, Sewer, Streets, and Drainage Design Guideline Manual Ordinance of the City of Whitehouse, Texas.

4. Facing of commercial uses.

Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone, and shall not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

SECTION 21.3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The Administrator may in the performance of his/her functions and duties under the provisions of this Ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Ordinance.

SECTION 21.4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership lines as determined by virtue of such abandonment.
2. For any public property other than streets or alleys, the regulations applicable to the zoning classifications which abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intersecting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

SECTION 21.5. EXCEPTION TO HEIGHT LIMITS

Church spires, chimneys, water, fire, radio and television towers, smoke stacks, flag poles, monuments and similar structures and their necessary mechanical, appurtenance may be erected above the height limits herein established; however, the heights of these structures or appurtenance thereto shall not exceed the height limitations within any airport flight approach zone.

SECTION 21.6. FLOOD HAZARD AREAS

1. Flood hazard areas shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency as delineated by the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map, as the case may be, issued by or on behalf of the Federal Insurance Administration, and approved by the Planning and Zoning Commission and City Council, or any area subject to inundation by flood water of the one hundred (100) year frequency as determined by a Registered Professional Engineer for all construction or development within the City of Whitehouse or its Extra Territorial Jurisdiction.
2. Development and/or use of any areas subject to inundation according to Sub-Section 1 above shall comply with the regulations and requirements of the zoning district where such is located.
3. Any area which is subject to the potential of flooding conditions within the 100 year flood plain of any stream, river; other watercourse or curb and gutter or storm sewer. Flood plain calculations shall be performed on all areas. A certificate signed by a Registered Professional Engineer stating whether or not any area within the zoning area is subject to inundation by the 100 year storm shall be required before a Certificate of Occupancy is issued or an amendment to the Zoning Ordinance is allowed.
4. Land, buildings, and premises in the flood plains shall be used only for the following purposes:
 - a. All general and special agricultural, farming, ranching, stock and poultry raising, dairy, and related uses, so long as same do not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise, or vibration; and are not detrimental to the public welfare; and in no case shall poultry or livestock be kept nearer than one hundred (100) feet from any property line within or abutting any property zoned, for residential purposes.
 - b. All general and special forestry and mining uses and the related uses so long as same are not offensive by reason of odors, dust, fumes; noise, vibration, unsightly conditions, or despoliation, and are not otherwise detrimental to the public welfare.
 - c. Public parks, recreation areas, and open spaces.
 - d. Country clubs or golf courses, including driving ranges if allowed within such zoning districts.
 - e. Parking lots and parking areas incidental to any adjacent main use permitted with such zoning district, as long as the 100 year flood level is not greater than twelve (12) inches above the lowest parking area elevation.

- f. All types of public utilities.
 - g. Heliports
5. Special Conditions - The following special conditions shall apply to uses located in any flood plain area.
- a. No building or structure shall be erected in the flood plain until, and unless, such building or structure has been, approved by the City Engineer in accordance with the City of Whitehouse Flood Ordinance, who will ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters based on information provided by the property owner's Engineer and other such information available, and that such construction would not endanger the value and safety of other property or the public health and welfare.
 - b. Any dump, excavation, storage, filling or mining operation within a flood plain shall be approved by the City Engineer before such operation is begun.

SECTION 21.7. HOME OCCUPATIONS

1. Home occupations shall include any professional and personal services meeting the standards and criteria stated below, but shall not include activities at the premises involving retail and wholesale sales and services, automotive or similar repair businesses, automotive body repair businesses, or other such similar businesses.
2. Persons desiring a permit for a home occupation shall make application for same to the Administrator. The Administrator shall determine whether the home occupation is clearly incidental and subordinate to the dwelling unit. If such is the case, a permit for same shall be issued by the Administrator once said home occupation permit is issued to an applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which said home occupation is located or in any other manner. Such application for a permit shall contain such information as the Administrator may require, but, in any event, shall include the following:
 - a. Name of applicant;
 - b. Location of residence where the home occupation will be conducted;
 - c. Total floor area of the residence;
 - d. Area of room or rooms to be utilized in the conduct of the home occupation;
 - e. A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation; and
 - f. The exact nature of the home occupation.
3. Any person may seek revocation of a home occupation permit by making application therefore to the Administrator, who shall cause an investigation to be made to determine whether the permit

holder is conducting said home occupation in a lawful manner as prescribed by this section. In the event that the Administrator determines that the permit holder is in violation of the provisions of this section, said permit shall be immediately revoked by the Administrator. The decision of the Administrator shall be subject to appeal to the Planning and Zoning Commission.

4. All home occupations shall comply with the following standards and criteria before permits can be issued:
 - a. The home occupation shall be conducted only within the principal building;
 - b. No more than one (1) additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;
 - c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
 - d. No home occupation shall, occupy more space than twenty-five percent (25%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters; provided, however, that in no event shall such home occupation occupy more than seven hundred (700) square feet;
 - e. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere;
 - f. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which might prove hazardous to the public's welfare. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises;
 - g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
 - h. No more than one (1) automobile or truck whose size shall not be larger than a stock one (1) ton panel or pick-up truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties.

SECTION 21.8. LIVING UNITS IN ZONES OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this Ordinance.

SECTION 21.9. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However a residential dwelling may be erected on a lot or parcel of land which abuts at least one (1) public or private street for at least fifty (50) feet, except that a minimum street abutment distance of at least twenty-five (25) feet, may apply to properties of an irregular shape bordering curving streets or cul-de-sacs provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.
2. Any building or structure existing on a lot or parcel of land in violation of the preceding paragraph prior to the effective date of this Section may be modified, enlarged, or extended; provided said modification, enlargement, or extension shall not be closer to any property line than the required side yard area applicable to the district within which such building or structure is located.

SECTION 21.10. NONCONFORMING USES

1. General.

Any lawful use of land or a building existing at the date of passage of this Ordinance and located in a district in which it is not permitted under this Ordinance, is hereby declared a nonconforming use, and not in violation of these regulations provided. However, such nonconforming use shall be subject to the regulations in this Article.

2. Certificate of Occupancy.

- a. The owner of a nonconforming building or use shall certify by affidavit to the Administrator that the building or use was made nonconforming by the passage of this Ordinance;
- b. On acceptance of the affidavit the Administrator shall issue a Certificate of Occupancy for the nonconforming use of building. Such certificate shall designate the location, nature and extent of such nonconforming use and any additional data necessary for issuance of said certificate.
- c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the Administrator shall not issue said certificate of occupancy, and shall declare such use to be in violation of this Ordinance and shall act accordingly.
- d. Any use not in conformance with this Ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

3. Continuation of nonconforming use of land.

Any use of land in legal existence prior to passage of this Ordinance may continue as to its specific use at the time of passage. This shall not however, limit any other authority of the City in controlling or abating nuisances, hazards, or infringement on public wellbeing.

4. Change of nonconforming use.

- a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Planning and Zoning Commission such new use:
 - i. will not extend the life of a nonconforming use;
 - ii. will reduce traffic, sound, odor, smoke, or number of employees;
 - iii. will not include structural alteration or expansion;
 - iv. will improve the character and value of surrounding property. Such change in use may be permitted only following formal application for change with the Planning and Zoning Commission. Where proper findings are made, the Planning and Zoning Commission may direct the Administrator to issue the necessary permits.
- b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.

5. Restoration of nonconforming buildings.

- a. Nonconforming buildings may be restored only if destruction caused by fire, explosion or act of God is fifty percent (50%) or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City).
- b. Any building whose destruction exceeds ten percent (10%) but less than fifty percent (50%) of its prior structural valuation, must apply for a building permit for reconstruction within six (6) months and commence reconstruction within twelve (12) months of the date of the described destruction.
- c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned and such building shall be permitted to be reconstructed as a permitted use only.

6. Discontinuance or abandonment of nonconforming use.

Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of two (2) years shall thereafter conform to the provisions of this Ordinance.

SECTION 21.11. OFF STREET PARKING AND LOADING REQUIREMENTS

1. Rules for computing number of parking spaces.

In computing the number of parking spaces required for each of the uses herein described, the following rules shall govern:

- a. "Floor Area" shall mean the gross floor area of the specific use;
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number;
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- d. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used said building or use shall then and thereafter comply with the parking requirements set forth herein.
- e. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

2. Parking requirements based on use.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Sub-Section 1), off-street parking spaces in accordance with the following requirements:

- a. Residential use requirements.
 - i. Single family dwellings: Two (2) parking spaces per dwelling unit;
 - ii. Multiple family dwellings: Two (2) parking spaces per dwelling unit;
 - iii. Mobile homes: Two (2) parking spaces per dwelling units.
- b. Non-residential use requirements.
 - i. Barber and beauty shops: Two (2) parking spaces per barber or beauty chair.
 - ii. Bowling alley: Five (5) parking spaces for each alley.
 - iii. Business or professional office, studio or bank: Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500).

- iv. Child day care center: One (1) storage space for loading and unloading children per every three (3) children based on the center's child capacity plus one (1) parking space for every employee.
- v. Church or other place of worship: One (1) parking space for each four (4) seats; in the main auditorium.
- vi. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for, each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
- vii. Dance hall, assembly, or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefore.
- viii. Drive-in banks: Eight (8) storage spaces per every teller window designed to serve drive-in patrons to be provided in the approach lane to each drive-in window or in a common reservoir storage area; provided it does not interfere with other required off-street parking plus one (1) parking space per every three (3) employees.
- ix. Drive-in cleaners and other similar drive-in facilities not herein specified: Three (3) storage spaces for every drive-in window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided it does not interfere with other off-street parking plus one (1) parking space per every three (3) employees.
- x. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
- xi. Gasoline service station: Two (2) parking spaces per each service stall, (a service stall being an area for vehicles maintenance not including washing stalls or areas for pumping gasoline) plus two (2) spaces for employees. Combination Service Stations and convenience store shall also have the parking spaces as outlined in paragraphs 2.b.xxviii & xxix.
- xii. Hospital: Four (4) parking spaces plus one (1) additional parking space for each four (4) beds.
- xiii. Hotel: One (1) parking space for each two (2) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- xiv. Laundromats and self-service dry cleaning establishments: One (1) parking space per every two (2) washing and/or dry cleaning machines.

- xv. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishments: One (1) parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but no less than one (1) parking space for each six hundred (600) square feet of floor area.
- xvi. Medical professional services (medical or dental clinics and offices): One (1) parking space per every two hundred (200) square feet of gross floor area.
- xvii. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- xxviii. Motor-vehicle salesrooms and used car lots: One (1) parking space for each eight hundred (800) square feet of sales floor or lot area.
- xix. Offices of non-medical professional services and, financial institutions (financial and business offices, banks, offices of lawyers, architects, engineers, etc.): One (1) parking space per every three hundred (300) square feet of gross floor area.
- xx. Private club, lodge, country club or golf club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- xxi. Recreational Vehicle Park: One (1) parking space for each RV pad.
- xxii. Restaurant, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
- xxiii. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
- xxiv. Rooming or boarding house: One (1) parking space for each two (2) sleeping rooms.
- xxv. Sanitarium, convalescent home, home for the aged or similar institutions: One (1) parking space for each six (6) beds.
- xxvi. School with grades eight (8) and under: One (1) parking space for each five (5) seats or bench seating spaces in the auditorium or main assembly room, or one space for each classroom plus six (6) spaces, whichever is greater.
- xxvii. Schools with
 - 1. Grades nine (9) and above: One (1) parking space for each four (4) seats or bench seating spaces in the auditorium or main assembly room; or one of the following as it applies.

2. For schools that have grades nine (9) or ten (10), one space for each classroom plus eight (8) spaces, whichever is greater.
 3. For schools that have grades eleven (11) and above, eight (8) spaces for each classroom, whichever is greater.
- xxviii. Supermarkets, convenience grocery stores; or self-service food stores containing under two thousand-five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred-fifty (150) square feet of gross floor area.
 - xxix. Supermarkets, convenience grocery stores, or self-service food stores containing over two thousand-five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred-fifty (150) square feet of gross floor area.
 - xxx. Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each four (4) seats or bench seating spaces.
 - xxxi. Tourist home, cabin or motel: One (1) parking space for each sleeping room or suite.
 - xxxii. Vehicular washing facilities: Three (3) storage spaces per every washing stall to be provided in the approach lane to each washing stall.
 - xxxiii. Warehousing, manufacturing and industrial concerns with retail business on premises: One (1) parking space per every three hundred (300) square feet of gross floor area.

3. Location of parking spaces.

All parking spaces herein shall be located on the same lot with the building or use served, except as follows:

- a. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
- b. Not more than fifty percent (50%) of the parking spaces required for (1) theaters, bowling alleys, dance halls, night clubs or cafes, and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium may be provided and used by (2) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and, filed as specified below: In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention. for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

4. Minimum dimensions for off-street parking.

a. Ninety Degree Angle Parking.

Each parking space shall not be less than nine (9) feet wide nor less than nineteen (19) feet in length. Maneuvering space shall be in addition to parking space and shall not be less than twenty-four (24) feet perpendicular to the building or parking line.

b. Sixty Degree Angle Parking.

Each parking space shall not be less than ten (10) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall not be less than twenty-two (22) feet perpendicular to the building or parking line.

c. Forty-Five Degree Angle Parking.

Each parking space shall not be less than twelve (12) feet wide perpendicular to the parking angle nor less than nineteen (19) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall not be less than twenty (20) feet perpendicular to the building or parking line.

d. Alley Parking.

When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

e. Additional Parking Space.

Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but no required shall comply with the minimum requirements for parking and maneuvering space herein specified.

5. Off-street loading space.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises, loading space in accordance with the following requirements:

- a. In Districts GI and BP-LI one (1) loading space for each ten thousand (10,000) feet or fraction thereof, of floor area in the building.
- b. In District C-L, C-M, and C-H, one (1) loading space for the first five-thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one (1) additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.

- c. Each required loading space shall have a minimum area of at least fifty (50) feet in depth, twelve (12) feet in width and with an overhang clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area to be used exclusively for loading and unloading of merchandise.

SECTION 21.12. PERMITTED BUILDAGE AREA

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in these regulations.

SECTION 21.13. MINIMUM STRUCTURE STANDARDS

The exterior wall standards for construction in the various districts shall be in accordance with the following:

1. Residential Structures: Exterior wall construction for all residential uses and residential accessory structures shall meet the requirements of the appropriate residential building code as adopted by the City of Whitehouse.
2. Commercial/Retail/Office Structures: All structures shall be 75% masonry exterior of complementary colors on three (3) sides of the building (front and sides), exclusive of doors and windows. Glass may be counted in place of masonry. Exterior wall construction for such non-residential uses shall be composed of material that is in conformance with the requirements of the appropriate building code(s) as adopted by the City of Whitehouse, and in accordance with the particular non-residential use or occupancy involved.
3. Industrial/Showroom/Warehouse Structures: Metal buildings are allowed for Industrial/Showroom/Warehouse uses, provided that 75% of the front exterior walls, excluding windows and doors, shall be of masonry construction.
4. Masonry Construction: Standards for masonry construction in all districts shall be defined as that form of construction composed of stone, brick, concrete, hollow clay tile, concrete block or tile, or similar building units or materials of combination of the materials laid up unit by unit and set in mortar. Brick veneer construction is included in the definition of masonry. Exterior plasters, as described in the appropriate building code(s) as adopted by the City of Whitehouse are included in the definition of masonry.

ARTICLE 22. SITE PLAN

SECTION 22.1. PURPOSE

The purpose of these provisions is to promote harmonious functional relationships among the various elements with any development such as the location of activities, vehicular and pedestrian circulation systems and visual form, to insure physical, social and economic compatibility with neighboring developments and conditions, as well as the community at large and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation by the Planning and Zoning Staff of site plans for all developments of the types listed below. Although certain minimum standards are set forth in this Article, such review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation while insuring privacy and safety on all levels.

SECTION 22.2. SITE PLAN REVIEW REQUIRED

All site plans involving any new development or construction shall be required to have site plan approval from the Planning and Zoning Department. Final Planning and Zoning approval of site plans must be achieved prior to issuance of any building permits.

All site plans involving a special use permit or planned development zoning shall have a site plan approved by the planning and zoning commission prior to the issuance of any building permit.

SECTION 22.3. USES REQUIRING SITE PLAN REVIEW

The site plan approval provisions contained herein shall apply to the following zoning districts:

1. All multiple family residential districts;
2. All mobile home park districts;
3. All commercial and industrial development with one (1) acre or more of land or twenty thousand (20,000) square feet of building (floor) area;
4. All uses requiring a Special Use Permit;
5. All uses zoned Planned Development;
6. All uses zoned as Town Center.

SECTION 22.4. CONSIDERATIONS OF PLANNING AND ZONING DEPARTMENT/COMMISSION IN SITE PLAN REVIEW

The Planning and Zoning Department and Planning and Zoning Commission shall consider the following when reviewing site plans, as well as AI elements included in the site plan review checklist.

1. General character and compatibility, that is the Planning and Zoning Department shall determine that the proposed development is compatible or in agreement in terms of housing types, yard depths, ground coverage, tree cover, surface drainage, density and will result in the least possible detrimental impact to the site and surrounding areas and will be designed so as not to cause

substantial depreciation of property values, or reduce the safety, light, or general convenience of neighboring developments.

2. Ingress to and egress from property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
3. The location and arrangement of all buildings and structures with regard to setback requirements and special consideration given to aspects such as visual form, sociability and personal safety with regard to police and fire protection.
4. Environmental aspects with regard to sedimentation, drainage, flood control and preservation of natural greenery on the site.
5. Utilities, with regard to availability and suitability for the use intended, and consideration of taps, hook-ins and service locations, including fire hydrants.
6. Screening, buffering and landscaping with regard to the type and dimensions, to preserve the character of surrounding areas and to provide privacy for the site.
7. Recreation and open space with attention to the location, size and development of the areas with regard to their usability, adequacy, and their relationship to community-wide open spaces and recreation facilities.

SECTION 22.5. SITE PLAN REVIEW PROCEDURES

The following process shall be utilized to obtain approval of site plans.

1. Pre-site plan review conference.
 - a. The applicant for site plan review shall meet with the Administrator/Planning and Zoning Department to discuss basic site plan procedures and requirements, to consider the elements of the site in question and to proposed development.
2. Administrative Processing.
 - a. Following the pre-site plan review conference, a site plan may be filed with the Administrator/Office of Community Development. The applicant shall submit three (3) copies of the material as indicated in Section 22.6. The material will be distributed to various departments of the city for review and comment relative to their specialty or concern. The comments and recommendations from the departments and staff will be compiled by the Administrator, and the site plan with all comments and recommendations will be presented to the Planning and Zoning Department or Commission for their consideration.
 - b. The Planning and Zoning Commission shall consider the site plan for all Special Use Permits and Planned Development Zoning to determine whether it meets the intent of this Article. The Planning and Zoning Commission shall have forty-five (45) days after receiving the plan in which to review and act thereon. If, at the end of the forty five days, the Commission shall be unable to give approval to the plan, the petitioner may request

in writing that the City Council review the site plan for which approval has not been granted. Said written request shall also contain the Commission's reasons for not granting approval. The City Council shall then review the decision of the Planning and Zoning Commission and either approve or disapprove the site plan as submitted to them.

3. Building Permit Procedures.

- a. Site plan approval, as granted by the Planning and Zoning Department or Commission, shall be effective for a period of six (6) months unless otherwise specified at the time of approval. A building permit must be applied for within this period or the site plan may be deemed null and void. At the end of the six months, an extension for additional time may be granted upon formal written request to the Planning and Zoning Department at their discretion. A building permit may be issued for construction of the development as shown on the final approved site plan. Minor changes, alterations, or modifications to approved site plans may be approved by the Planning and Zoning Department (Office of Community Development).

SECTION 22.6. SITE PLAN REQUIREMENTS

The applicant must submit three (3) copies of the following required materials and information for site plan review.

1. A legal description of the property under review for site plan approval;
2. Site conditions information, including:
 - a. Topographic map of the site at a scale not smaller than 1" = 100', showing two (2) foot contours;
 - b. Soil type and evaluation for the entire site;
 - c. Means or methods of controlling sedimentation and erosion.
3. A site conditions map at a scale not smaller than 1' = 100' showing:
 - a. A location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities, and recreation/open space areas;
 - b. The exact location of all existing public streets, rights of way, easements, and other reservations of the land in the area of the property in question and adjacent properties in the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street parking, loading and service areas, if any, for or on such properties, and any screening or buffering on such properties and the nature and type thereof;
 - c. The exact location, size, and capacity of all existing utilities, including existing fire hydrant locations;

- d. The exact location of all water holding or carrying facilities, natural or artificial, including creeks, ponds, sinkholes, ditches, culverts, and storm sewers.
4. A site development plan at a scale not smaller than 1" = 60' showing:
- a. The name of the planner, architect, or designer who prepared the plans, the name of the developer whether it be an individual, group, or corporation, the name of the proposed project or development, a north arrow and date;
 - b. The exact location of all proposed streets, driveways, or other facilities designed to accommodate vehicular movement in the development, points of ingress or egress, parking areas, including the exact number of spaces, and loading and service areas (locations of dumpsters) and a traffic impact analysis of projected trip generation for the development;
 - c. The exact locations of all proposed buildings and structures to be included in the development;
 - i. For commercial or industrial development, an indication of gross floor area of all buildings;
 - ii. For residential development, an indication of the exact number of dwelling units, broken down into size by number of bedrooms (i.e. number of one bedroom units, number of two bedroom units, etc.)
 - d. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces and all green areas, including all control devices such as storm sewers and retention or detention facilities;
 - e. The percentage of the site that will be covered by building and structures and the percentage that will be covered by streets, drives, parking, and loading areas.
5. A development timetable if project is to be constructed in phases.

SECTION 22.7. FINAL SITE PLAN AMENDMENTS

Changes, alterations, or modifications to any finally approved site plan that involves construction, removal, or relocation of a building or structure; redesign or modification of the vehicular or pedestrian circulation system (including all points of access, drives, parking areas, and walkways); modification of the drainage system, modification of any utility installation, or relocation of any landscaped area shall require approval of the Planning and Zoning Department (Office of Community Development) in accordance with the procedures described above.

SECTION 22.8. SITE PLAN APPROVAL PROCESS

- 1. Purpose.

The purpose of these provisions is to promote harmonious functional relationships among the various elements within any development such as the location of activities, vehicular and

pedestrian circulation systems and visual form, to insure physical, social, and economic compatibility with the neighboring developments and conditions, as well as the community at large and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation by the Planning and Zoning Department (Office of Community Development) or the Planning and Zoning Commission (for Special Use Permits and Planned Development Zoning) of site plans for all developments of the types listed below. Although certain minimum standards are set forth in this article, such review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation while insuring privacy and safety on all levels. A site plan is the final plan required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed. The purpose of such a site plan is to insure compliance with applicable development regulations, the appropriate building codes and standards, and previously approved, valid plans affecting development of the property. Further, site plan review will allow for the coordination and documentation of the subdivision of land, granting of easements, and the design of both public and private development of property.

2. Applicability.

All site plans involving any new development (residential or commercial) or new commercial construction shall be required to have site plan approval from the Planning and Zoning Department/Commission. Final approval of the site plan is required before any permit for construction is issued.

3. Uses requiring site plan review.

The site plan approval process shall apply to the following zoning districts:

- a. All multiple family residential districts.
- b. All mobile home park districts.
- c. All commercial and industrial developments with more than one (1) acre of land or twenty thousand (20,000) square feet of building (floor) area.
- d. All residential subdivisions and developments.
- e. All Special Use Permit Uses.
- f. All Planned Development Uses.
- g. All Town Center Uses.

4. Application procedure.

General Application:

- a. The property owner or his/her agent shall file a written request for site plan review with three (3) copies of the site plan in the Office of Community Development, City of Whitehouse, Texas. The application shall include the information listed below on one

dimensional, engineer-scaled sheets size 24" X 36". The drawing shall include existing and proposed site conditions and improvements, including:

- i. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.
- ii. Location map, north arrow, scale, title block and site data summary table.
- iii. Topography at 1 foot contours or less, referenced to sea level datum.
- iv. Natural features including tree masses and anticipated tree loss, flood plains, drainage ways and creeks.
- v. Land use on-site and on adjacent properties.
- vi. Building locations and foot prints, including dimension, size, coverage, height, building lines, setbacks, and uses.
- vii. Finished floor elevation of structures referenced to sea level datum (for structures in flood prone or flood zoned areas).
- viii. Public streets, private drives and fire lanes with pavement widths, rights of way, median openings, turn lanes and driveways with dimensions, radii and surface type.
- ix. Parking areas and structures, including the number and layout of standard spaces, handicap spaces, the location of ramps, crosswalks, and loading areas with typical dimensions and surface type.
- x. Access easements and off-site parking.
- xi. Dumpster and trash compactor locations and screening.
- xii. Proposed dedications and reservations of land for public use, including but not limited to: rights of way, easements, park land, open space, drainage ways, flood plains, and facility sites.
- xiii. Screening walls, fences, living screens, retaining walls, headlight screens, and service area screens, including height and type of construction and/or planting specifications.
- xiv. Landscaping and open space areas with dimensions and total square footage.
- xv. 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.

- xvi. Water and sewer connections, meter locations, sized and meter and/or detector check valve vaults. Table of the number of water meters by size and noting if they are existing or proposed.
- xvii. Inlets, culverts and other drainage structures on-site and immediately adjacent to the site.
- xviii. The exact location of all water holding or carrying facilities, natural or artificial, including creeks, ponds, sinkholes, ditches, culverts, and storm sewers.
- xix. Other details as may be required for complete understanding of the plan.

5. Site plan review procedures.

The following process shall be utilized to obtain approval of the site plan:

- a. Pre-site plan review conference. The applicant shall meet with an official of the Department of Community Development to discuss basic site plan procedures and requirements to consider the elements of the site in question and to its proposed development.
- b. Administrator Review: Following the pre-site plan review conference, a site plan shall be filed with the Office of Community Development. The applicant shall submit three (3) copies of the site plan. The comments and recommendations of the various departments of the city will be collected and compiled by the Administrator and the site plan with all comments and recommendations will be presented to the Planning and Zoning Department or Planning and Zoning Commission for consideration.
- c. Planning and Zoning Review: The Planning and Zoning Commission shall consider the site plan and determine whether it meets the intent of this article. The Planning and Zoning Commission shall have forty-five days after receiving the plan in which to review and act thereon. If at the end of forty-five days the commission shall be unable to give approval to the plan, the petitioner may request in writing that the City Council review the site plan for which approval has not been granted. Said written request shall also contain the Commission's reasons for not granting approval. The City Council shall then review the decision of the Planning and Zoning Commission and either approve or disapprove the site plan as submitted to them.
- d. Building Permit Procedures: Site plan approval, as granted by the Planning and Zoning Department or Commission, shall be effective for a period of six (6) months unless otherwise specified at the time of approval. A building permit must be applied for within this period or the site plan may be deemed null and void. At the end of the six months, an extension for additional time may be granted upon formal request to the Planning and Zoning Department or Commission. A Building Permit may be issued for construction of the development exactly as shown on the final approved site plan. Minor changes, alterations, or modifications to the approved site plan may be approved by the Administrator/Office of Community Development/Planning and Zoning Department with concurrence of the city engineer.

6. Consideration of planning and zoning department and commissioners in site plan review.

The Planning and Zoning Department/Commission shall consider the following when reviewing site plans:

- a. General character and compatibility, the Department/Commission shall determine that the proposed development is compatible or in agreement in terms of housing types, yard depths, ground coverage, tree cover, surface drainage, density and will result in the least possible detrimental impact to the site and surrounding areas and will be designed so as not to cause substantial depreciation of property values, or reduce the safety, light, or general convenience of neighboring developments.
- b. Ingress to and egress from property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
- c. The location and arrangement of all buildings and structures with regard to setback requirements and special considerations given to aspects such as visual form, sociability, and personal safety with regard to police and fire protection.
- d. Environmental aspects with regard to sedimentation, drainage, and flood control and preservation of natural greenery on the site.
- e. Utilities, with regard to availability and suitability for the use intended, and consideration of hook-in and service locations, including fire hydrants.
- f. Screening, buffering and landscaping with regard to the type and dimensions, to preserve the character of surrounding areas and to provide privacy for the site under review
- g. Recreation and open space with attention to the location, size and development of the areas with regard to their usability, adequacy, and their relationship to community wide open spaces and recreation facilities.

SECTION 22.9. SITE PLAN REVIEW CHECKLIST

1. Site Plans for Residential Development Shall include:
 - a. Platted Boundaries of Lots
 - b. Lot and Block Numbers
 - c. Zoning Classification
 - d. All Setbacks
 - e. All Easements
 - f. Location of curbs, storm sewers, adjacent street and public right of way lines
 - g. Edge of Roadway

- h. Width of streets measured from back of curb
 - i. Width of all driveways
 - j. Finished floor elevations if in flood prone area
 - k. Location of any designated floodplain or floodways
 - l. Name, address and telephone number of developer
 - m. Minimum Plan size is 11 1/2 X 17 inches
 - n. Locations of all drainage swales and berms
 - o. Topographic intervals of not more than 1 foot
 - p. Avows showing the direction of flow for all drainage
 - q. Exterior dimensions of each lot
 - r. Street address of the development or lot
2. In addition to all of the above SITE PLANS for COMMERCIAL or MULTIFAMILY Development will include the following:
- a. Grading, drainage, and erosion control plan with all topographic information on lot/development and surrounding property.
 - b. Total number of off-street parking spaces
 - c. Garbage dumpster location with concrete pad
 - d. Fire Lane locations
 - e. Three sets of Site Plans not smaller than 18 X 24 inches
 - f. Total area of lots and building
 - g. Existing and/or planned utilities including sewer, water lines, manholes, fire hydrants, size and location of mains and service lines
 - h. Three sets of working drawings showing all building sprinkler and stand pipe systems, fire flow requirements, location of all exits and exit lights, occupancy use, boiler, heating, a/c and electrical rooms, fire alarm system and fire hydrants
 - i. Location of all existing and planned curbs, storm sewers, on-premise signs, light poles, parking lots and parking spaces
 - j. Type of Construction

ARTICLE 23. ADMINISTRATIVE AND ENFORCEMENT REGULATIONS

SECTION 23.1. OFFICIAL ZONING MAP

The Official Zoning Map of the City of Whitehouse shall be kept in the office of the Administrative Secretary and one copy shall be maintained in the office of the Administrator. It shall be the duty of the Administrative Secretary to keep the Official Map current and the copies thereof, herein provided for, by entering on such maps and changes which the City Council may from time to time order by amendments to the Zoning Ordinance. The Administrative Secretary, upon the adoption of this Ordinance, shall affix a certificate identifying the map in his/her office as the Official Zoning Map of the City of Whitehouse. The Administrative Secretary shall likewise officially identify the copies directed to be kept in the office of the Administrator.

SECTION 23.2. ENFORCEMENT AND APPLICATION

1. Administrative official.

- a. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator of the City of Whitehouse.
- b. The Administrator or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings of premises necessary to carry out his/her duties in the enforcement of this Ordinance.
- c. Whenever any construction work is being carried out contrary to the provisions of this Ordinance, the Administrator may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Administrator to proceed with the work.

2. Requirements for building permit.

The Administrator may require applications for building permits to be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

- a. The actual shape and dimensions of the lot to be built upon.
- b. The exact sizes and locations on the lot of the buildings and accessory building then existing.
- c. The lines within which the proposed building and structure shall be erected or altered.
- d. The existing and intended use of each building or part of building.
- e. The number of families or housekeeping units the building is designed to accommodate.
- f. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.
- g. Construction that requires a Building Permit.

- i. Any new construction.
- ii. Remodeling of an existing structure.
- iii. Partial or Total Demolition of an existing structure.
- iv. Construction of a fence, wall or barrier.
- v. Erection or construction of a sign.
- vi. Any filling or excavation over 10 Cubic Yards.
- vii. Construction of a driveway, parking lot or slab.
- viii. Construction, erection or moving in of a temporary building or accessory building of any type construction.
- ix. One copy of such plot plans will be returned to the owner when such plans have been approved. All dimensions shown on these plans relating to the location and size of the lot to be built upon may be required to be based on an actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

3. Existing permits and private agreements.

This Ordinance is not intended to abrogate or annul:

- a. Any permits issued before the effective date of this Ordinance.
- b. Any easement, covenant or any other private agreement.

4. Preserving rights in pending litigation and violations under existing ordinances.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded within all respects.

5. Completion of authorized buildings.

Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use or a building which shall be completed in its entirety within two (2) years from the date of passage of this Ordinance, provided such building was authorized by building permit before the passage of this Ordinance, and further provided construction shall have been started within ninety (90) days of the passage of this

Ordinance. Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

SECTION 23.3 VARIANCES / SPECIAL EXCEPTIONS / APPEALS

The word "Commission" when used in this Ordinance shall be constructed to mean the Planning and Zoning Commission. The word "City Council" when used in this Ordinance shall be constructed to mean the Whitehouse City Council.

1. Special Exceptions.

The Commission shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Commission is required to pass as follows or as specified elsewhere in this Ordinance:

- a. Permit the erection and use of buildings.
- b. To permit a public utility or public service use of structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety or general welfare.
- c. To permit a transitional use between a business or industrial, and residential district where the side of a lot in a single family or multiple family district abuts upon a lot zoned for business or industrial purposes as follows:
 - i. On a lot in a single family district which sides upon a lot zoned for business or industrial purposes, the Board may permit a two-family dwelling on a lot with an area of not less than six thousand (6,000) square feet.
 - ii. Provided, however, that in no case shall any transitional use have a width of more than one hundred (100) feet.
- d. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.
- e. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make necessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- f. Permit land within three hundred (300) feet of a multi-family dwelling to be improved for the parking spaces required in connection with a multi-family dwelling; but only when there is positive assurance that such land will be used for such purpose during the existence of the multi-family dwelling.

- g. To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.

2. Variances.

The Commission shall have the power to authorize upon request in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, owing to and including the following special conditions:

- a. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
- b. Authorize upon request, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him/her unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Commission is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some apparent and unusual hardship or difficulty so great as to warrant a variance from the Community Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

3. Appeals.

a. Procedure.

Appeals may be taken to and before the City Council by any persons aggrieved, or by any officer, or department of the City. Such appeal shall be made by filing with the Administrator a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the City Council all of the papers constituting the record upon which the action appealed from was taken.

b. Stay of Proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrator shall certify to the City Council that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceeding shall not be stayed other than by a restraining order which may be granted by the City Council or by a court of equity, after notice of the officer from whom the appeal is taken and on due cause shown.

c. Notice of Hearing on Appeal.

The City Council shall arrange a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two-hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the City Council to be affected thereby, such owners and person being determined according to the current tax rolls of the County of Smith. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

d. Decision by City Council.

The appeal hearing shall be public. However, the City Council may enter into executive session for discussion but not for vote on any case before Council. The City Council shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties with a viable interest. Upon the hearing, any party may appear in person or by agent or attorney. The City Council shall decide the appeal within a reasonable amount of time. The City Council may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made concerning the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

4. Powers and Duties of the Council.

The City Council shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decisions or determination made by the Administrator in the enforcement of this Ordinance.

SECTION 23.4. CERTIFICATES OF OCCUPANCY

1. Certificates of Occupancy.

Certificates of Occupancy shall be required for any of the following:

- a. Occupancy and use of a building hereafter erected or structurally altered.
- b. Change in use of an existing building to a use of a difference classification.
- c. Occupancy and use of vacant land, except agricultural use.
- d. Any change in the use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Administrator.

2. Procedures for new or altered buildings.

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit

for such building. Said Certificate shall be issued within three (3) days after a written request for the same has been made to said Administrator after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

3. Procedures for vacant land or a change in use.

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Administrator. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for same has been made.

4. Contents and filing of certificate of occupancy.

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept on file in the office of the Administrator and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

5. Temporary certificate.

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Administrator for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners of the City relating to the use of occupancy of the premises or any other matter covered by this Ordinance.

SECTION 23.5. AMENDMENTS

1. Petition.

Any person or corporation having a proprietary interest in any property may petition the City Council for a change, supplement or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council institute a study and proposal for changes, supplements and amendments in the public interest.

2. Procedures.

- a. The City Council may, from time to time, amend, supplement, or change by ordinance the districts or the regulations herein established.
- b. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the proposed revisions to the Planning and Zoning Commission for its recommendations and report. The Planning and Zoning Commission shall hold a public hearing on any request for any amendment, supplement or change prior to making its recommendation and report to the City Council.

- c. Written notice of all public hearings before the Planning and Zoning Commission on any proposed amendment, supplement, or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved County tax roll.
- d. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one time in a paper of general circulation in the City of Whitehouse, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- e. Unless a proposed amendment, supplement, or change has been approved by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, or of those immediately adjacent on either side of the area of said lots extending two hundred (200) feet therefrom, such change shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council.

3. Limitation of resubmission of petition.

Should the decision of the Planning and Zoning Commission not be appealed to the City Council, or should the City Council fail to pass an ordinance approving the rezoning, a new application for the same zoning may not again be considered for six (6) months from the date that it was disapproved or withdrawn. Any new application for rezoning shall require all the same forms, fees, and procedures as a new application.

SECTION 23.6. INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

SECTION 23.7. VIOLATION AND PENALTY

Any violation of this Ordinance shall be a misdemeanor and each day that said violation, occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed Two Hundred (\$200.00) Dollars.

SECTION 23.8. SEVERABILITY

If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 23.9. CONFLICTING ORDINANCES REPEALED

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE 24. LANDSCAPE AND TREE PRESERVATION ORDINANCE

SECTION 24.1. PURPOSE AND INTENT

1. The purpose of this Ordinance is to enhance the beautification of the City and preserve and protect the City's identity and natural environment. This Ordinance is enacted to improve the appearance and character and to protect and preserve the appearance and character of the surrounding neighborhoods, and therefore promote the general public safety and welfare by providing for the installation and maintenance of landscaping and screening. This Ordinance is intended to assure that reasonable provision will be made for such matters as sound and sight buffers, preservation of scenic views and those elements of site design which may have substantial effects on adjoining land uses.
2. This Ordinance establishes the procedure, regulations and standards whereby landscape plans and tree preservation measures will be reviewed by the City for compliance with this Ordinance, and specifies the submittal and content requirements for such landscape plans.

SECTION 24.2. JURISDICTION AND APPLICABILITY

1. The landscape requirements and tree preservation and protection requirements in this Ordinance shall apply to all land within the City limits, as now or hereafter set, in all zoning districts, except for agricultural and single family (detached and attached), duplex, mobile home and manufactured home residential zoned property. Areas zoned as Planned Office or Commercial Development Districts containing landscaping standards shall be regulated by the more restrictive requirements.
2. Areas zoned as Light Industrial – Business Park (LI-BP) or with a Specific Use Permit (SUP) and containing landscaping standards, shall be regulated by the requirements set forth in the Final Site Development Plan.
3. The landscape requirements shall apply to all public, private and institutional developments. Such landscape requirements shall become applicable to each individual lot at such time as an application for a Building Permit on such lot is made. All landscape requirements of this Ordinance shall continue after the Building Permit is issued to any owner or subsequent owner.

SECTION 24.3. COMPLIANCE

1. All required landscaping and screening shall be installed as part of the project construction. All tree planting and plant screening required by this Ordinance must be installed prior to the issuance of a Certificate of Occupancy, where required, or prior to the commencement of use. This requirement is intended to assure compliance with the landscape requirements of this Ordinance and the adherence to a specific landscape plan approved by the City prior to the issuance of a Building Permit.
2. All landscaping shall be installed in a sound manner and in accordance with accepted good planting procedures; all elements of landscaping shall be installed so as to meet all other applicable City ordinances and policies. Landscape areas, both those proposed and those to be retained shall

be protected from vehicular encroachment during and after the construction phase by appropriate barriers.

SECTION 24.4. GENERALLY

- A. It is intended that the flexibility permitted by this ordinance extends to discretionary approval, in conjunction with a landscape plan or concept plan review, not limited to, but including such items as those relating to tree planting, shrubs and ground vegetation including grasses and protective screening in order to achieve conformance with good planning practices.
- B. The purpose of this ordinance 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 24.5. REQUIREMENTS

The landscape development regulations of this Section apply to development in Planned Development (PD), all common areas in all residential districts, retail/office and light industrial – business park zoning districts. The regulations are as follows:

- 1. Landscaping regulations apply to all new construction, reconstruction and where a Certificate of Occupancy is requested to be issued. Plans must be submitted and approved before a building permit or a Certificate of Occupancy can be issued.
- 2. Fifteen percent (15%) of the total land area must be landscaped with trees, shrubs and ground vegetation including grasses. Fifty percent (50%) of this landscaping must be located in the front yard. Special landscape designs, which are appropriate for the building design (i.e. southwestern and Spanish styles or xeriscape design) may be approved.
- 3. Landscaping must be irrigated or located within seventy-five (75) feet of a water source for proper maintenance and care.
- 4. Trees shall be planted along property frontage at a rate of one, three (3) inch caliper tree for every forty (40) feet of frontage.
- 5. A screening row of shrubs/plantings is required along at least (50%) of any street frontage. Such plants shall grow to at least thirty-six (36) inches at maturity.
- 6. Curbed island areas and parking lot islands shall be landscaped with materials or plantings other than exclusively lawn grass. In lieu of shrubs, vegetation and trees decorative concrete, paving stones, paving bricks or decorative stones may be used for at least 50% of the island areas.

7. Shrub and tree plantings in appropriate areas are also required alongside perimeters of developed lots.
8. In parking lots, for every twelve (12) parking spaces, ninety (90) square feet of landscaping (trees, shrubs and/or ground vegetation, including grasses, or decorative concrete, paving stones, paving bricks or decorative stones) in island areas is required.
9. The owner commits an offense if he does not maintain the required landscaping with plantings properly watered and pruned. All dead trees, shrubs, vegetation and grasses must be replaced within a reasonable period of time and no later than thirty (30) days. In the event of a drought or emergency, the Building Official shall grant a reasonable extension of time for the replacement of dead trees, shrubs, vegetation and grasses.

SECTION 24.6. RECOMMENDED PLANT LIST

GROUNDCOVERS

Ajuga (*Ajuga reptans*): partial shade to shade. Better in small pockets as it's hard to maintain a large, solid planting.

Asian Jasmine (*Trachelospermum asiaticum*): sun to shade

Aspidistra (*Latin name*):

English Ivy (*Hedera helix*): shade; also is an excellent clinging vine (can be invasive in the wild)

Ferns (*Latin name*): several species including: holly fern, wood fern, autumn fern; shade; 2' wide

Juniper (*Juniperus spp.*): sun; several selections including: 'Blue Pacific', 'Bar Harbor', 'Blue Chip', 'Shore', 'Green Mound'; (*J. procumbens*) Japanese garden juniper; 'Blue Rug'; 5' wide; full sun, outstanding drainage, and limited irrigation is essential

Liriope (*Liriope muscari*): shade; several selections including: 'Majestic', 'Big Blue', 'Variegated'; 1' wide (can be invasive in the wild)

Mondo grass (*Ophiopogon japonicas*): partial shade to shade; cultivars include: 'Nanus' (dwarf), 'Nigrescens' (black) (can be invasive in the wild)

Purple Wintercreeper (*Euonymus fortunei 'Colorata'*): sun to shade (can be invasive in the wild)

Vinca (*Vinca major, V. minor*): partial shade to shade; several selections including: *V. major* 'Variegata', *V. minor* 'Bowles' (can be invasive in the wild)

VINES

Boston Ivy (*Parthenocissus tricuspidata*): sun to partial shade; deciduous, cultivars include 'Veitchi' and 'Lowii'

Carolina Jessamine (*Gelsemium sempervirens*): sun to partial shade; semi-evergreen

Clematis (*Clematis spp.*): sun to partial shade; deciduous to semi-evergreen; the best adapted is Sweet Autumn Clematis (*C. terniflora*) which can be invasive in the wild; keep roots cool, in shade, top in sun
Confederate Jasmine (*Latin name*):

Coral Honeysuckle (*Lonicera sempervirens*): sun to partial shade; evergreen

Gold Flame Honeysuckle (*Lonicera heckrottii*); sun to part shade; evergreen

Crossvine (*Bignonia capreolata*): sun to partial shade; semi-evergreen; showy cultivars include *atrosanguinea*, 'Tangerine Beauty,' and 'Helen Fredel.'

Fig Ivy (*Ficus pumila*): sun to partial shade; evergreen (can be cold tender in severe winters)

Roses (*Latin name*): Most adapted are vigorous climbers like Lady Banks (*Rosa banksiae* 'Lutea' and 'Alba Plena', 'Cecile Brunner,' 'New Dawn,' wichuraiana ramblers, and multiflora ramblers; sun; semi-evergreen (see aggie-horticulture.tamu.edu/earthkindroses)

Trumpet Vine (*Campsis radicans*, *C. x tagliabuana* 'Madame Galen,' and *Campis grandiflora*): sun; deciduous; can be rampant, 'Madam Galen' and Chinese are less invasive

Virginia Creeper (*Parthenocissus quinquefolia*): sun to shade; deciduous

Wisteria (*Wisteria sinensis*): sun; deciduous (can be overly vigorous and invasive in the wild). American wisteria (*Wisteria frutescens*) is a more ecologically sound choice.

DWARF SHRUBS - (under 3 feet)

Azaleas (*Rhododendron spp.*): morning sun to shade; semi-evergreen; small azalea types include Gumpo varieties, some Satsuki varieties, 'Coral Bells'; 3' - 4' wide

Barberry (*Berberis spp.*): sun; deciduous to semi-evergreen; 'Crimson Pygmy', 'Kobold', *B. buxifolia* 'Nana'; 3' 4' wide

Boxwood (*Buxus microphylla*): sun to partial shade; evergreen; 'Wintergreen', Japanese boxwood; 1' - 4' wide

Dwarf Gardenia (*Gardenia jasminoides 'Radicans'*): sun to part shade; evergreen; occasional winter damage, best in protected location; 2' - 3' wide

Holly (*Ilex spp.*): sun to shade; evergreen; several excellent species and cultivars: *I. vomitoria* 'Nana', 'Schillings' (dwarf yaupon holly); *I. cornuta* 'Rotunda' (dwarf Chinese holly); 2' – 3' wide

Junipers (*Juniperus spp.*): sun; evergreen; 'Tam Juniper'; 4' wide (full sun, excellent drainage, and limited irrigation is essential)

Indian Hawthorn (*Raphiolepis indica*): sun to part shade; evergreen; 'Enchantress', 'Pinkie', 'Clara' and

other dwarf varieties; 3' - 4' wide (full sun, excellent drainage, good air flow, and limited irrigation is essential to limited entomosporium leafspot disease)

Mini or Dwarf Crape-myrtles (*Lagerstroemia indica*): sun; deciduous; 3' wide (crape-myrtle bark scale is a new insect that must be dealt with). See: <http://citybugs.tamu.edu/files/2010/05/EHT-049-Crape-myrtle-bark-scale.pdf>

Nandina (*Nandina domestica*): sun to partial shade; evergreen; color is best in full sun; 'Nana', 'Harbor Dwarf', 'Gulf Stream"; 2' wide

Spirea (*Spiraea spp.*): sun; deciduous; 'Anthony Waterer', 'Little Princes', 'Heather'; 2' - 3' wide

SMALL SHRUBS (3 to 6 feet)

Abelia (*Latin name*): *Abelia grandiflora*; sun to partial shade; semi-evergreen; 'Compacta', 'Edward Goucher'; 4' wide

Aucuba (*Aucuba japonica*): shade; evergreen; 'Variegata' (Gold Dust), 'Picturata'; 3' wide

Azalea (*Rhododendron spp.*): morning sun to shade; semi-evergreen; many to choose from; 3' - 8' wide

Barberry (*Berberis thunbergii*): sun; semi-evergreen; 'Atropurpurea', 'Rose Glow'; 4' - 5' wide

Camellia (*Camellia Sasanqua*): partial shade; evergreen; hundreds of varieties, 'Shishi Gashira' is one of several low growers - ask your nurseryman for other varieties; 3' - 5' wide

Dwarf Crepe Myrtle (*Lagerstroemia indica*): sun; deciduous; range of sizes, colors; 4' - 5' wide
Fatsia (*Latin name*):

Holly (*Ilex cornuta*): sun; evergreen; 'Dwarf Burford', 'Berries Jubilee', 'Dazzler'; other varieties can be sheared to maintain height; 3' - 5' wide

Indian Hawthorn (*Raphiolepis indica*): sun to partial shade; evergreen; several cultivars; 4' - 6' wide

Juniper (*Juniperus spp.*): sun; evergreen; 'Compact Pfitzer', 'Sea Green', other varieties; 4' - 6' wide

Nandina (*Nandina domestica*): sun to partial shade; evergreen; 3' - 4' wide

MEDIUM SHRUBS (6 to 9 feet)

Abelia (*Abelia grandiflora*): sun to partial shade; semi-evergreen; 5' wide

Camellia (*Camellia japonica*, *C. sasanqua*): partial sun; evergreen; hundreds of varieties; *Sasanqua* varieties bloom early winter, often escaping freeze, while Japanese camellias bloom mid to late winter and often suffer bloom damage unless in a protected location; 4' - 5' wide

Cleyera (*Ternstroemia gymnanthera*): sun to partial shade; evergreen; 5' wide

Crapemyrtle (*Lagerstroemia spp.*): sun; deciduous; many varieties, look for newer hybrid, intermediate sizes with powdery mildew resistance; 6' - 8' wide

Elaeagnus (*Elaeagnus spp.*): sun to partial shade; evergreen; Elaeagnus 'Ebbingei', 'Fruitlandii'; 4' - 7' wide

Holly (*Ilex spp.*): sun to shade; evergreen; 'Needle Point', 'Burford', 'Nellie R. Stevens'; 4' - 6' wide

Juniper (*Juniperus spp.*): sun; evergreen; 'Blue Vase', 'Blue Point', 'Pfitzer', others; 6' - 9' wide

Ligustrum (*Ligustrum japonicum*):

Texas Sage (*Leucophyllum frutescens*): sun; evergreen; several cultivars; 4' wide

LARGE SHRUBS (over 9 feet)

Cherry Laurel (*Prunus caroliniana*): compact variety available; sun to partial shade; evergreen; can grow into small tree; 14' - 16' wide

Crapemyrtle (*Lagerstroemia spp.*): sun; deciduous; hybrid varieties with mildew resistance; 8' - 10' wide

Holly (*Ilex spp.*): sun; evergreen; 'Nellie R. Stevens', 'Foster's', 'Savannah', Yaupon; 6' - 10' wide

Juniper (*Juniperus spp.*): sun; evergreen; many cultivars including 'Skyrocket', 'Blue Point', 'Hollywood'; 6' - 8' wide

Leyland Cypress (*Cupressocyparis leylandii*): sun; evergreen; can grow to medium-sized tree; 10' - 12' wide

Ligustrum (*Ligustrum lucidum*): sun; evergreen; so not confuse with L. japonicum (Waxleaf Ligustrum); can grow into small tree; 10' - 15' wide

Photinia, Chinese (*Photinia serrulata*): sun; evergreen; can grow into small tree; 10' - 15' wide

Southern Wax Myrtle (*Myrica cerifera*): sun to partial shade; evergreen; 8' - 12' wide

SMALL TREES (under 20 feet)

Crapemyrtle (*Lagerstroemia spp.*): sun; deciduous; comes in many sizes and forms; hybrids, many with Indian names have powdery mildew resistance, attractive bark, besides showy blooms; 15' wide

Dogwood (*Cornus florida*): partial sun to shade; white and pink varieties; acid soil; give protection from full sun; 15' - 20' wide

Fringe Tree (*Chionanthus virginicus*): partial shade; deciduous; acid soil; give protection from full sun; 15' wide. *Chionanthus retusus* (Chinese Fringe Tree) is showier, easier to grow than *C. virginicus* and tolerates full sun.

Holly (*Ilex spp.*): sun to shade; Yaupon Holly, *I. vomitoria* (evergreen); Possum Haw or Deciduous Holly, *I. decidua* (deciduous); only female plants bear fruit; 10' wide

Japanese Black Pine (*Pinus thunbergiana*): sun; evergreen; 15' wide

Japanese Maple (*Acer palmatum*, *A. japonicum*): partial sun to shade; deciduous; many excellent cultivars including 'Bloodgood', 'Crimson Queen'; 10' - 15' wide

Magnolia (*Magnolia spp.*): sun to part shade; deciduous; Saucer or Tulip Magnolia, *M. soulangiana*; Star Magnolia, *M. stellata*; and *M.* hybrids; 15' wide

Redbud (*Cercis Canadensis*): sun ; deciduous; varieties include: 'Oklahoma'; 15' - 25' wide *Cercis canadensis mexicana*; sun; deciduous *Cercis canadensis texensis*; sun; deciduous; varieties include: 'Texas'; 15' - 25' wide

Vitex (*Vitex agnus-castus*): sun; deciduous; 15' wide

MEDIUM TREES (20 to 50 feet)

American Holly (*Ilex opaca*): sun to shade; evergreen; slow to moderate growth; only female plants bear fruit; 15' - 20' wide

Chinese Pistache (*Pistacia chinensis*): sun; deciduous; reliable fall color; 30' - 40' wide

Crabapple (*Malus spp.*): sun; deciduous; 20 to 25 feet; select disease resistant cultivars; 25' wide
Crapemyrtle (*Latin name*):

Lacebark Elm (*Ulmus parvifolia*): sun to partial shade; deciduous; attractive bark; 35' - 50' wide

Golden Raintree (*Koelreuteria paniculata*): sun; deciduous; avoid Southern Golden Raintree (*K. bipinnata*) which has more attractive seedpods but is less hardy; 25' - 30' wide

Leyland Cypress (*Cupressocyparis leylandii*): sun; evergreen; can grow to medium-sized tree; 12' - 15' wide

Magnolia (*Magnolia spp.*): sun to partial shade; some *M. grandiflora* (Southern Magnolia) cultivars stay small; *M. soulangiana* (Saucer or Tulip Magnolia) can grow to 25 feet tall; 15' - 40' wide

Red Maple (*Acer rubrum*): sun; deciduous; beautiful fall color; 'Drummondii', 'Sunset'; 25' - 30' wide

Maple, other species (*Acer barbatum*) Texas Sugar Maple, (*A. grandidentatum*) Bigtooth Maple, (*A. leucoderme*) Chalk Maple: sun; deciduous; 25' - 30' wide

LARGE TREES (over 50 feet)

Baldcypress (*Taxodium distichum*): sun; deciduous; tolerates wet soils; 30' - 40' wide

Blackgum (*Nyssa sylvatica*): sun; deciduous; fall color; tolerates wet soils; 30' wide

Ginkgo (*Ginkgo biloba*): sun; deciduous; slow growing, brilliant yellow fall color; 40' wide

Maple (*Acer rubrum.*): sun; deciduous; Red Maple most common, Trident Red Maple and Drummond Red Maple frequently grown; *A. barbatum* - Southern Sugar Maple; 25' - 30' wide

Oaks (*Quercus spp.*): sun; many species - among highest rated are: Shumard Red Oak, (*Q. shumardii*) deciduous; Live Oak, (*Q. virginiana*) evergreen; Willow Oak, (*Q. phellos*) deciduous; White Oak, (*Q. alba*) deciduous; 40' - 70' wide

Pecan (*Carya illinoensis*): sun; deciduous; 40' - 60' wide

River Birch (*Betula nigra*): sun; deciduous; attractive peeling bark; 30' wide

Southern Magnolia (*Magnolia grandiflora*): sun to partial shade; evergreen; 30' - 40' wide

Sweetgum (*Liquidamber styraciflua*): sun; deciduous; 'Rotundiloba' is a fruitless variety; 30' wide

Tulip Poplar (*Liriodendron tulipifera*): sun; deciduous; 30' - 40' wide

PERENNIALS

Columbine (*Aquilegia spp.*): partial sun to shade; *A. hinkleyana* - Texas Gold Columbine is the best for Texas

Coreopsis (*Coreopsis spp.*): sun; *C. grandiflora* cultivars such as 'Early Sunrise', 'Baby Sun', 'Sun Ray'; *C. verticillata* cultivars include 'Moonbeam', 'Zagreb'

Daffodils (*Narcissus spp.*): sun to partial shade; many types readily naturalize including *N. jonquilla* (jonquils), *N. campenelle*, *N. tazetta* (paperwhites)

Daylily (*Hemerocallis spp.*): sun to partial shade; hundreds of cultivars available

Iris (*Iris spp.*): sun to partial shade; several types well-adapted including Bearded Iris, Louisiana Iris, Siberian Iris

Phlox (*Phlox spp.*): sun to part shade; (*P. subulata*) thrift; excellent groundcover; (*P. paniculata*) summer phlox

Salvias (*Salvia spp.*): sun; several species, some semi-hardy; (*S. farinacea*) Mealy Cup or Blue Sage; (*S. leucantha*) Mexican Bush Sage; (*S. greggii*) Autumn Sage

Sedums (*Sedum spp.*): sun; several types and cultivars including 'Autumn Joy', 'Meteor'. 'Brilliant'; stonecrops as groundcovers

Yarrow (*Achillea spp.*): sun to partial shade; white, pink and yellow forms most common

ARTICLE 25. SIGN ORDINANCE

SECTION 25.1. PURPOSE AND INTENT

Signs use private land and sight lines created by the public right-of-way to inform and persuade the general public by publishing a message. This Ordinance provides standards for the erection and maintenance of private signs. All private signs not exempted shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

1. Safety: To promote the safety of persons and property by providing signs that:
 - A. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - B. Do not obstruct firefighting or police surveillance; and
 - C. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

2. Communication Efficiency: To promote the efficient transfer of information in sign messages by providing that:
 - A. Those signs, which provide messages and information most needed and sought by the public, are given priorities.
 - B. Businesses and services may identify themselves.
 - C. Customers and other persons may locate a business or service.
 - D. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes.
 - E. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

3. Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:
 - A. Do not interfere with scenic views;
 - B. Do not create a nuisance to persons using the public right-of-way;
 - C. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - D. Are not detrimental to land or property values.

SECTION 25.2. DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have meanings respectively ascribed to them by this Ordinance. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

1. Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing,

representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulation and is clearly incidental to the display itself.

2. Area of Multi-faced Signs: The sign area for the sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Awning: An architectural projection, which provides weather protection, identity and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which a thin cover is attached which may be of fabric or other materials, and may be illuminated.
4. Building: Means a structure, which has a roof supported by columns, walls or air for the shelter, support or enclosure of persons, animals or chattel.
5. Building Official: A person appointed by the City Manager. In general, the Building Inspector, or Code Enforcement Officer, or any other person(s) designated by the City Manager.
6. Canopy: A roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory to and is open on two or more sides.
7. Dilapidated or Deteriorated Condition: Dilapidated or deteriorated condition shall mean any sign:
 - A. Where elements of the surface or background can be seen as viewed from the normal viewing distance (intended viewing distance), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
 - B. Where the structural support or frame members are visibly dilapidated, deteriorated, bent, broken, dented, or torn; or
 - C. Where the panel is visibly cracked or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
 - D. Where the sign, or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
 - E. Where the message or wording can no longer be clearly read by a person within normal eyesight under normal viewing conditions; or
 - F. Where the sign or its elements are not in compliance with the requirements of the National Electrical Code and/or the Uniform Building Code currently adopted by the City.
8. Erect: The term "erect" shall mean to build, construct, attach, hand, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

9. Facade: Means any separate face of a building, including parapet walls and omitted wall line, or any part of a building, which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions with forty-five (45) degrees of one another, they are to be considered as a part of a single facade.
10. Flag: A piece of cloth, canvas, or other light fabric, usually rectangular in shape, containing a distinctive design or message which is used as a symbol or to signal or attract attention.
11. Facing or Surface: The word "facing" or "surface" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
12. Front Facade: Means one of the following:
 - A. The facade (as defined herein) which faces the public street, where the lot on which the facade is located adjoins only one public street-right-of-way;
 - B. The combination of facades (as defined herein) each of which faces a public street, where the lot on which the facades are located adjoins more than one public street right-of-way; or
 - C. The facades (as defined herein) which contain one or more doors open to the public during conduct of business, where no facade faces a public street.
13. Frontage: Means the total width of the front facade, as defined herein.
14. Graffiti: Means any rude or otherwise unauthorized inscription, design, motto, or pictograph, scratched, drawn, painted, or in any way marked on the surface of any wall, fence, rock, escarpment, or any other exposed surface of any public or private property without first having obtained permission from the owner of such property.
15. Illuminated Sign: The term "illuminated sign" shall mean any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.
16. Logo: A "logo" is any design or insignia of a company or product, which is commonly used in advertising to identify that company or product.
17. Luminous Gaseous Tubing: Means exposed tubes used in or as signs and which contain luminescent inert gases including, but not limited to, neon, argon and krypton.
18. Model Home: Means a single family dwelling structure that is open for inspection by the general public and is not used as a dwelling.
19. Non-Residential Zoning District: "Non-residential zoning district" shall mean any zoning district designated as a commercial, retail, office, warehouse or industrial district as shown on the official zoning district map of the City of Whitehouse.
20. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to

move in the wind.

21. Premises: Means a lot or un-platted tract, or a combination of contiguous lots or un-platted tracts if the lot or tract, or combination thereof is under single ownership that is reflected in the plat records of the City.
22. Premises, Dwelling: Means a lot zoned residential that is occupied by a residential housing structure.
23. Public Right-of-Way: Means a dedicated road or street including the easement for that road or street.
24. Residential Zoning District: "Residential zoning district" shall mean any zoning district designated as an agricultural, single-family, duplex, townhouse, mobile home, or multifamily district as shown on the official zoning district map of the City of Whitehouse.
25. Searchlight: An apparatus capable of projecting a beam or beams of light in excess of Two (2) million peak candlepower or 250,000-lumen.
26. Sign: Means any device, flag, banner, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, wind device or other thing visible from outside the premises on which it is located and that is designed, intended or used to inform, to advertise or to attract the attention of persons not on those premises.
27. Sign, Agricultural: An "agricultural sign" is any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.
28. Sign, Apartment: An "apartment sign" is any sign identifying an apartment building or complex of apartment buildings.
29. Sign, Awning: An "awning sign" is any awning containing signage used to identify a business, profession, service, product, or activity conducted, sold or offered on the premises where such sign is located.
30. Sign, Banner: A temporary sign made of cloth, canvas, *vinyl or other lightweight fabric*.
31. Sign, Billboard: A "billboard sign" is any pole sign having a face exceeding one hundred (100) square feet, and which promotes or advertises commodities or services available at a location other than where the sign is located and shall include signs whose message space is available for lease, rent or hire.
32. Sign, Can: A sign constructed of a frame, usually steel, surrounded by sheet goods, usually sheet metal and/or plastic, within which light fixtures may be placed.
33. Sign, Canopy: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
34. Sign, Construction: A "construction sign" is any temporary sign identifying the property

owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

35. Sign, Development: A "development sign" is any temporary, on site promotional sign pertaining to the development of land or construction of buildings. In residential districts, the intent of the sign shall be to promote the subdivision and shall not display the name of any builder.
36. Sign, Directory: A "directory sign" is any sign listing the occupants within shopping centers, industrial sites, retail districts, office districts and commercial sites.
37. Sign, Freestanding: Any non-movable sign not affixed to a building, including monument and pole signs.
38. Sign, Garage or Yard Sale: A "garage or yard sale sign" is any temporary, on-premise and off-premise promotional sign for the sale of personal household goods.
39. Sign, General Business: A "general business sign" is any sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where such sign is located.
40. Sign, Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
41. Sign, Identification: An "identification sign" is any sign which is used to identify shopping centers, industrial sites, retail districts and commercial sites.
42. Sign, Inflatable: An "inflatable sign" is any hollow sign expanded or enlarged by the use of air or gas.
43. Sign, Institutional: An "institutional sign" is any sign used to identify schools, churches, hospitals and similar public or quasi-public institutions.
44. Sign, Marquee: A "marquee sign" is any permanent structure which is attached to and supported by a building and which projects outward from the building.
45. Sign, Model Home: A "model home sign" is any temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractor's model open to the public for inspection.
46. Sign, Monument: Means any detached sign which is of monolithic or semi-monolithic construction being made from masonry, concrete materials, wood or plastic provided that a

masonry base is incorporated into the sign, with no separation between the base of the sign and grade. *(Refer to freestanding sign)*

47. Sign, Movement Control: Means a sign, which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.
48. Sign, Multi-Purpose: A "multi-purpose sign" is an identification sign combined with either of the following:
 - A. a directory sign and/or
 - B. a reader board sign
49. Sign, Municipally Owned: A "municipally owned sign" is any sign which identifies a park, entrance to the City, place of interest within the City, any City sponsored event, or any municipally owned facility. A municipally owned sign does not include traffic signs.
50. Sign, Non-conforming: Any sign that does not conform to the requirements of this ordinance.
51. Sign, Obsolete: An "obsolete sign" is any sign, which no longer serves a bona fide use or purpose.
52. Sign, Off-Premise: Means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
53. Sign, Pole: A "pole sign" is any sign, which is erected on a vertical framework consisting of one (1) or more uprights supported by the ground. *(Refer to freestanding sign)*
54. Sign, Political: Means any type of sign, which refers to issues or candidates involved in a political election.
55. Sign, Portable: Means a sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another, and that is not an attached sign, vehicular sign, or a sign that refers solely to the sale or lease of the premises.
56. Sign, Projecting: A "projecting sign" is any sign, except an awning, which projects perpendicularly from a building and which has one end attached to a building or other permanent structure.
57. Sign, Protective: Means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "bad dog", "no trespassing" and "no solicitors".
58. Sign, Reader Board: A "reader board sign" is any sign comprised of changeable letters, which allows a change of sign copy by adding or removing letters. The sign copy shall conform to the category use of the sign allowed by this Ordinance.
59. Sign, Real Estate: A "real estate sign" is any temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.

60. Sign, Roof Top: A "roof top sign" is any sign erected upon or above a roof or parapet of a building or structure.
61. Sign, Setback: Sign setback shall be the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.
62. Sign, Subdivision Entry: A "subdivision entry sign" is any freestanding sign identifying a residential subdivision and located on site.
63. Sign, Subdivision Wall Plaque: A "subdivision wall plaque" is any sign attached to an approved masonry, screening wall.
64. Sign, Support: Means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one (1) inch in height, nor is internally or decoratively illuminated.
65. Sign, Vehicular: Means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs, which are being transported to a site of permanent erection.
66. Sign, Wall: A "wall sign" is any sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve (12) inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.
67. Sign, Window: Means any sign not government mandated, which is attached to either side of the glass within a window or which is located within a window opening and, as viewed from outside, is forward of the plane of the inside face of an exterior wall.
68. Sight Visibility Triangle: Where one street intersects with another, the "sight visibility triangle" is the triangular area formed by extending two (2) curb lines a distance of *thirty-five (35)* feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines a distance of *twenty-five (25)* feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. Where a street intersects with an alley or driveway, the "sight visibility triangle" is the triangular area formed by measuring eight (8) feet to a point along the property lines and adjoining said points to form the hypotenuse of the triangle. (*Refer to appendix illustrations*)

SECTION 25.3. PENALTY FOR VIOLATION

1. The permit holder, owner, agent, person or persons having the beneficial use of the signage

in place, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Ordinance and are subject to the penalty provided for violations of this Ordinance.

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the corporation (municipal) court, shall be subject to a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) for each offense, and each and every day that the violation of this Ordinance shall be permitted to continue shall constitute a separate offense.

SECTION 25.4. CONFLICTING ORDINANCES

If any portion of this Ordinance shall conflict with any portion or all of any existing Ordinance of the City of Whitehouse not specifically repealed herein, the City Council hereby declares that this Ordinance shall prevail and that it is hereby attempting to repeal any conflicting provisions of any existing Ordinance of the City.

SECTION 25.5. PRESERVING RIGHTS AND VIOLATIONS UNDER EXISTING ORDINANCES

By passage of this Ordinance, no presently illegal use of signs shall be deemed to have been legal.

SECTION 25.6. ADMINISTRATION

1. Sign Permits Required: No person shall erect, construct, relocate, alter, or repair a sign without first having obtained a permit, except as otherwise provided in this Ordinance.
2. Non-conforming Signs: Any existing sign, which does not conform to all provisions of this Ordinance, shall be either a non-conforming sign if it legally existed as a conforming or non-conforming sign under prior ordinances, or as an illegal sign if it did not exist as a conforming or non-conforming sign. Non-conforming signs are allowed to exist under this Ordinance until such time as they are blown down or otherwise destroyed or dismantled for any purpose other than maintenance or changing letters or symbols on the sign. Non-conforming signs shall be defined by this Ordinance as officially destroyed and requiring removal by the owner within a *sixty (60)* day time period if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location. No person may enlarge or increase the area or height of a nonconforming sign.
3. Sign Application and Permit Requirements: Application for a permit required by this Ordinance shall be made upon forms provided by the Building Official, and shall contain, or have attached thereto, the following information:

Name, address and telephone number of each of the following: applicant, property owner and person or firm erecting the sign. Two (2) copies of a scaled or dimensional sign detail.

Such information as the Building Official may require to show full compliance with this Ordinance and all other laws and ordinances of the City and State.

4. Fees: Every applicant, before being granted a permit hereunder, shall pay to the City of Whitehouse the applicable, non-refundable fee herein defined.
 - A. Fees for a permit to erect, replace, or relocate a sign shall be Sixty Dollars (\$60.00) for each sign.
 - B. It shall be unlawful for any person to repair or make alterations to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair or alter a sign shall be Forty Dollars (\$40.00). Routine maintenance such as cleaning, painting, replacement of light bulbs, and repairs that do not exceed Three Hundred Dollars (\$300.00) per occurrence in total cost shall be excluded from these requirements.
 - C. When a sign is erected, placed, or work started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this Ordinance.
 - D. The fee for recovery of signs impounded by the City Building Official shall be Forty Dollars (\$40.00) per sign.
 - E. Every applicant requesting a variance to the Sign Ordinance shall pay a fee of One Hundred Fifty Dollars (\$150.00) upon submitting their application for appeal to the City of Whitehouse. If the variance is requested for multiple signs at one location an additional fee of Twenty-Five Dollars (\$25.00) per sign in excess of one shall be paid.
5. Permit Time Frame: A permit for a sign shall expire if the work is not commenced within *sixty (60)* days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of *sixty (60)* days.
6. Electrical Permit: Prior to issuance of a sign permit for a sign in which electrical wiring and connections are required, an electrical permit must be obtained from the City, *along with payment of a Twenty-five Dollar (\$25.00) fee per sign*. No sign shall be erected, repaired, or altered in violation of the Electrical Code.
7. Exemptions From Permit and Fee Requirements: A permit and fee shall not be required for the following signs, provided, however such signs shall otherwise comply with all other applicable sections of this Ordinance
 - A. Real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental or lease of the premises, on which such signs are located. A maximum of one sign per street front shall be allowed.
 - B. Builders, developers and real estate agents may erect temporary off-premise signs,

without a permit subject to the following:

1. Such signs shall refer to either subdivisions and/or open houses located within the City. A subdivision shall be defined as a platted tract of land that is zoned residential.
2. Such signs shall not exceed six (6) square feet in area and may be placed within the City right-of-way provided that they do not project out over the street or sidewalk. No sign shall be erected within any street median.
- C. Temporary political signs not exceeding six (6) square feet in area per side on private property. Signs must be removed within ten (10) days after the election.
- D. On-site, directional signs not exceeding eight (8) square feet in area provided such signs do not contain advertising and are not used as such. When such signs are illuminated, a permit must be obtained for the electrical components of the installation.
- E. Traffic or street signs, legal notices, railroad crossing signs, danger, and such emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative.
- F. Temporary on-premise and off-premise garage or yard sale signs. Such signs shall be erected only between the hours of 7:00 a.m. Friday and 7:00 p.m. Sunday. Each sign shall not exceed six (6) square feet in area and may be placed within the city right-of-way, provided they do not project out over the street or sidewalk. Signs shall not be attached to street signs or utility poles. All off-premise signs shall include the address of the location of the advertised garage sale and cannot be located within any street median or attached to any tree or public utility pole.
- G. Flags, emblems and insignia of any governmental body and decorative displays *and lighting* for holidays or public demonstrations, which do not contain advertising and are not used as such. In addition, a single flag, which shows an emblem or logo of a firm or corporation, is allowed when it is erected on a freestanding flag pole with a minimum setback of eight (8) feet behind the property line.
- H. Temporary Banners for sales promotions, public events, or other advertising.
8. Issuance of Permit: Providing that the applicant has complied with the provisions of this Ordinance, and that the proposed sign complies with all provisions of this Ordinance, the Building Official shall issue the sign permit to the applicant. The Building Official shall not issue a permit under the provisions of this Ordinance to any person who is delinquent in any fees or costs assessed against him/her under any other provisions of this Ordinance.
9. Permit Revocable: The Building Official may suspend or revoke any issued permit under the provisions of the Ordinance whenever he or she shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this Ordinance or any other Ordinance of

this City or laws of this State or the Federal Government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located. Any signs installed under a revoked permit shall be removed by the permit holder, sign owner, or property owner within *fourteen (14) working days* of the written notice of the revocation.

10. Inspection: The Building Official may inspect annually, or such other times as he deems necessary, each sign regulated by this Ordinance for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair. The applicant for a sign permit shall be required to request scheduling of applicable inspections as are determined necessary under this article by the Building Official
11. Impounded Signs: Any sign erected in or over the public right-of-way either prior to or after the adoption of this Ordinance, except those signs specifically allowed by this Ordinance, shall be construed a public nuisance and the Building Official may, without notice, remove and impound any such sign. Impounded signs may with payment of the required fee (if applies), be recovered by the owner within *fourteen (14) working days* of the date of impoundment. Signs that are not recovered within *fourteen (14) working days* of impoundment will be destroyed.
12. Removal of Obsolete Signs: Any sign which the Building Official determines no longer serves a bona fide use conforming to this Ordinance shall be removed by the owner, agent, or person having the beneficial use of the land, buildings, or structure upon which the sign is located within *fourteen (14) working days* after written notification to do so from the Building Official.
13. Removal or Repair of Dilapidated or Deteriorated Signs: If the Building Official shall determine that any sign exists in a dilapidated or deteriorated condition, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. The permit holder, owner, agent or person having beneficial use of the premises shall remove or repair the sign within *fourteen (14) working days* after such notice. The Building Official may cause any sign, which is an immediate peril to persons or property to be removed summarily and without notice.

The Building Official is also granted the authority to extend the time frame to forty-five (45) calendar days for removal or repairs if the damage to the sign or signs is due to vandalism or a natural disaster. A permit will be required, but no fee will be assessed to applicants subject to these special circumstances.

14. Removal Expenses: Any sign that is erected without the required permit or that is obsolete or that has not been repaired from its deteriorated condition or is a menace to the public shall be removed by the permit holder, sign owner, or property owner within *fourteen (14) working days* after written notification to do so by the Building Official. Upon failure to comply with written notice, the Building Official is hereby authorized to enter upon the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected

and the owner of such sign and the sign permittee are jointly and severably liable for any expense incident to removal. The City will not be held liable for any damages caused by or during removal of the sign.

15. Variations: Appeals to provisions of the Sign Ordinance shall be conducted in accordance with the following process and procedures:
- A. Application for a variance to the Sign Ordinance shall be submitted to the Building Official upon forms provided by the same, along with the required fee. The applicant shall include the same information as required for a sign permit.
 - B. The Planning and Zoning (P&Z) Commission shall hold a public hearing to consider appeals to this Ordinance in conjunction with their monthly meeting, provided there has been an appeal filed with the Building Official *fifteen (15) calendar days* prior to the meeting date.
 - C. Written notice of a public hearing before the P&Z Commission on the proposed variance shall be sent to owners of real property lying within two-hundred (200) feet of the property on which the changes are proposed, such notice to be given not-less than ten (10) days before the date set for the hearing.
 - D. The P&Z Commission shall consider as criteria for granting a variance such factors as the type of sign, the location, the existence of signs in the general area and such other factors as they deem pertinent. No variance shall be granted by the Commission if the same conflicts with the spirit of this Ordinance, which is one of providing public safety, adequate lighting provisions, open space and air, conservation of land, protection of property values and encouraging the highest and best use of the land.
 - E. In considering the request for variation to the requirements of this Ordinance, the P&Z Commission shall consider, but not be limited to, the degree of variance, the reason for variance requested, the location of the variance request, the duration of the requested variance, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the general plan of regulating signs within the city. The recommendation shall then be forwarded to the City Council for a final decision.
 - F. A public hearing shall be held by the City Council before adopting any proposed amendment, variance or change to the Sign Ordinance. Notice of such hearing shall be given, by publication one (1) time in the official newspaper of the city, stating the date, time, and place of such hearing, which shall be not earlier than *fifteen (15) calendar days* from the date of publication. The City Council shall review the P&Z Commission's recommendation and make a final decision based upon the same criteria and considerations as listed above.
 - G. If the City Council grants a variance to this Ordinance, it is valid only if a permit is secured within ninety (90) days from the date of the City Council's decision.

SECTION 25.7. PROHIBITED SIGNS

The following signs are specifically prohibited.

1. Billboard signs are prohibited and unlawful.
2. Portable or mobile signs:
 - A. It shall be unlawful to attach any sign to a *vehicle*, trailer, skid, or similar mobile structure where the primary use of such structure is to provide the base for such a sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for bona fide business activity when said vehicle is *in operating condition, currently registered and legally licensed* for use on public streets.
 - B. Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a city franchise shall be excluded from this provision.
 - C. A-frame signs and sandwich board signs are prohibited and unlawful.
3. Obscene, indecent and immoral matter shall not be displayed upon any sign.
4. Roof *top* signs are prohibited and unlawful.
5. *Tethered* balloons, pennants, streamers and other floating or inflatable devices *and strings of lights not permanently mounted to a rigid background* are only allowed for a period of seventy-two (72) consecutive hours for special events or promotions only, unless specifically allowed by this Ordinance.
6. Off-premise signs are unlawful except as otherwise allowed under this Ordinance.
7. Signs that move, flash light intermittently, change color or revolve are prohibited, unless specifically allowed by this Ordinance. These signs must include a dimmer switch to ensure backgrounds are not distracting to drivers. *Time and temperature portion of signs is exempt from the flashing light prohibition.*
8. Signs that imitate traffic and emergency signs, signals or devices are unlawful.
9. Signs that interfere with vehicular or pedestrian traffic are prohibited. (Refer to Sight Visibility Triangle Definition)
10. Signs attached to or painted on any sidewalk, curb, gutter, or street are prohibited (except house address numbers).
11. Signs attached to or maintained upon any tree, public utility pole, light fixture, or telephone pole are unlawful.

12. Signs attached to or painted on the outside of a fence, railing, or wall that is not a structural part of a building are prohibited.
13. Signs illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance is prohibited.
 - A. No lighted sign shall be erected within one hundred fifty (150) feet of a residential zoning district unless it meets the illumination criteria listed in subparagraph (B) below.
 - B. Internally illuminated signs in residential zoning districts are limited to no more than one (1) forty (40) watt lamp for each twenty-five (25) square feet of sign face or any portion thereof. Any illumination shall be located so as not to produce intense glare or direct illumination across the boundary property line.
14. Signs erected in the public right-of-way are unlawful except as otherwise allowed by this Ordinance.
15. Can signs made of plastic or similar materials are prohibited, except those which are wall signs, as defined herein.
16. Signs obstructing *primary points of access, emergency exits, or fire escapes* are unlawful.
17. Graffiti is specifically prohibited within the City. The owner of the property on which graffiti is located shall remove all graffiti within *seven (7) days* of written notice from the City Building Official.
18. Any sign erected in violation of the building or electrical code of the City.

SECTION 25.8. PROHIBITED SIGNS IN THE ETJ

The following signs are specifically prohibited.

1. Billboard signs are prohibited and unlawful.

SECTION 25.9. PROVISION FOR CERTAIN TEMPORARY SIGNS

The following signs may be erected and maintained subject to the following restrictions:

1. Community/Special Event Notices: Bona-fide non-profit organizations *and religious organizations* may erect temporary off-premise signs, which refer to an activity or function of the organization. Such signs shall not be erected for more than *ninety (90) days*. No more than ten (10) such signs shall be placed within the City, which refer to the activity or function. Each sign shall not exceed six (6) square feet in area and may be placed within the City right-of-way, provided that they do not project out over the street or sidewalk. No sign will be allowed within any street median. A permit shall be required for these signs; however, no permit fee

will be assessed.

2. Banner Signs: Banner signs shall be permitted subject to the following restrictions:
 - A. Banner signs shall be constructed of cloth, canvas, vinyl or other lightweight fabric and must be securely attached to a pole or the front or side of a building structure. Businesses that erect signs under the provisions of this section shall not display a sign that states "Going Out of Business" or similar message more than one time. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
 - B. Businesses, non-profit organizations and religious organizations shall be permitted to erect banner signs at an occupancy for a maximum, cumulative total of one hundred eighty (180) days per calendar year. Only three (3) banners shall be displayed per occupancy at any given time during the dates requested by the applicant. Two (2) of the three (3) allowable banners must be attached to a building, only one (1) banner shall be permitted per occupancy that is not attached to a building. The permit application for the sign must include the date the sign will be erected, the date the sign will be removed and a drawing showing the location of the sign. The area for such signs shall not exceed forty (40) square feet.
 - C. Existing businesses that are in the process of a structural expansion or exterior renovation shall be permitted to erect one (1) banner sign at an occupancy two (2) times per calendar year with a maximum of one hundred eighty (180) days for each permit. The area for such signs shall not exceed forty (40) square feet.
 - D. New multi-family developments shall be allowed to display one (1) banner sign as provided in this Ordinance. Signs shall refer to leasing information only and shall be removed within one hundred eighty (180) days of the date the permit was issued. Signs shall not exceed one hundred fifty (150) square feet in area.
 - E. Business, advertising and promotional banners are prohibited in single-family residential districts.
 - F. Decorative, holiday and celebrator) banners are permitted in both residential and non-residential zoning districts. No permit or fee is required for this type of banner.
3. Construction Signs: Construction signs may be erected in non-residential and residential zoning districts and shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet. Required setback shall be twenty (20) from the front property line and signs are limited to one per street front. A construction sign shall be removed prior to the issuance of a Certificate of Occupancy or in the case of a dwelling prior to the final building inspection. Construction signs at sales offices in residential subdivisions may remain until the Certificate of Occupancy for the office is valid.
4. Development Signs: Development signs may be erected in non-residential and residential zoning districts, and shall not exceed one hundred (100) square feet in area.

Such signs must relate only to the property on which they are located. Maximum height of a development sign shall be twenty (20) feet. Required setback for a development sign shall be thirty (30) feet or the required building line if less than thirty (30) feet. Each development may have one (1) such sign or one (1) for each fifty (50) acres. A development sign must be removed when the project is ninety percent (90%) complete. In the case of a commercial or industrial project, ninety percent (90%) complete means when a Certificate of Occupancy is issued for a shell building. For a residential project, ninety percent (90%) complete means when ninety (90%) of the subdivision is permitted.

5. Model Home Signs: Model home signs may be erected in residential zoning districts and shall not exceed sixteen (16) square feet in area with a maximum of height of six (6) feet. Required setback shall be fifty percent (50%) of the distance between the front property line and the building, but no less than ten (10) feet from the front property line. Model home signs are limited to one (1) per premise. Each builder in a subdivision may have one (1) model home sign and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.
6. Political Signs: Political signs are allowed on private property and on right-of-way or any other public property unless otherwise prohibited by this ordinance. All political signs may be placed no more than one hundred-twenty (120) days prior to the election for which the sign is applicable, and no more than ten (10) days after the election has taken place. Political signs placed on property which is zoned residential may be no greater than six (6) square feet in area and do not require a permit. The maximum allowable area of political signs erected on non-residential zoned property is thirty-two (32) square feet with a maximum height of ten (10) feet. All political signs shall be located at least eight (8) feet from all property lines.
7. Real Estate Signs: Real estate signs that do not exceed six (6) square feet in area may be erected in both residential and non-residential zoning districts and do not require a permit. Real estate signs that are greater than six (6) square feet in area are allowed only in non-residential zoning districts and must have a permit. Such signs shall not exceed thirty-two (32) square feet in area with a maximum height of fifteen (15) feet. The required setback for all real estate signs shall be eight (8) feet from the front property line and signs are limited to one per street front. A real estate sign shall be removed upon the sale of the property.
8. Searchlights: Searchlights may be permitted in accordance with any applicable regulations. A permit for use of an advertising searchlight may be granted under the following additional regulations:
 - A. A searchlight shall be located a minimum of distance of fifty (50) feet from a public-right-of-way-and-positioned-so-as-to-project-all beams at-a-minimum angle of thirty (30) degrees from grade level.
 - B. The maximum light intensity generated by searchlights on any premise may not exceed a total of one thousand six hundred (1,600) million foot candlepower. No more than four (4) beams of light may be projected from any premise.

- C. All searchlights must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare to or impair the vision of the driver of any vehicle.
- D. No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.
- E. No advertising searchlight may be operated on a premise for more than seven (7) consecutive days. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the premise within the last six (6) months preceding the date of the permit application.

SECTION 25.10. REQUIREMENTS FOR WALL SIGNS

1. Projecting Signs: The horizontal portion of any projecting sign shall not be more than six (6) feet, six (6) inches in length measured from the building face and shall not be closer than two (2) feet from the back of the curb line. The height of the sign shall not exceed two (2) feet. Such signs shall be an integral part of the architectural design of the building. Vertical clearance shall be subject to the requirements of subsections 4 and 5 of this section.
2. Marquee Signs:
 - A. Marquee signs shall be built as an integral part of the marquee. Such signs shall not exceed forty (40) square feet or the product of two (2) times the length of the wall area available to such signs or store frontage for which such sign is intended, whichever is greater. Such signs may be located on the face of the building in either a horizontal or vertical direction. The direction of a sign positioned at an angle shall be determined based on the degree of angle from the horizontal or vertical position. If the angle between the horizontal and the sign is forty-five (45) degrees or less, the sign shall be considered as a horizontal sign. If the angle between the horizontal and the sign is greater than forty-five (45) degrees, the sign shall be considered as a vertical sign.
 - B. The height of a horizontal sign shall not exceed six (6) feet. The height shall be measured perpendicularly from the horizontal. The width of a vertical marquee sign shall not exceed six (6) feet. The width shall be measured perpendicularly from the vertical. Marquee signs shall not exceed seventy-five (75) percent of the width or the height of the available wall area or store frontage based on the placement of the sign on the wall area. Marquee signs shall not extend above the wall to which they are attached. Vertical clearance shall be subject to the requirements of subsection 4 of this section. Marquee signs may be illuminated, however, illuminated marquee signs on rear building facades shall be prohibited unless facing nonresidential-zoning-district--(Exception—A-marquee sign may exceed the six (6) foot height or width limit as follows: in the case of a horizontal sign, for every one inch of sign height exceeding six (6) feet, the allowable width of the sign shall be reduced by one (1) percent; in the case of a vertical sign, for every one (1) inch of sign

width exceeding six (6) feet, the allowable height of the sign shall be reduced by one (1) percent.)

3. Wall Signs:

- A. Wall signs shall not exceed forty (40) square feet or the product of two (2) times the lineal footage of the wall area available to such signs or store frontage for which such signs are intended, whichever is greater. Such signs may be located on the face of the building in either a horizontal or vertical direction. The direction of a sign positioned at an angle shall be determined based on the degree of angle from the horizontal or vertical position. If the angle between the horizontal and the sign is forty-five (45) degrees or less, the sign shall be considered as a horizontal sign. If the angle between the horizontal and the sign is greater than forty-five (45) degrees, the sign shall be considered as a vertical sign.
- B. The height of a horizontal wall sign shall not exceed six (6) feet. The height shall be measured perpendicularly from the horizontal. The width of a vertical wall sign shall not exceed six (6) feet. The width shall be measured perpendicularly from the vertical. Wall signs shall not exceed seventy-five (75) percent of the width or the height of the available wall area or store frontage based on the placement of the sign on the wall area. Vertical clearance shall be subject to the requirements of subsection 4 of this section. Wall signs shall not extend above the wall to which they are attached. Wall signs shall be limited to the following categories: Apartment, Construction, General Business, Identification, Institution, and Real Estate signs.
- C. In the case where two (2) or more wall signs are installed in a single wall area, the gross surface area may not exceed two (2) times the lineal width of the wall area available to such signs. Such signs shall not be arranged as to have a vertical height of more than six (6) feet, except as noted in exception in subsection (A) above. The combination of the sign widths, when placed side by side, shall not exceed seventy-five (75) percent of the width of the wall available to such signs.
- D. General Business wall signs must be located over the business for which they are intended. Wall signs may be illuminated, however, illuminated wall signs on rear building facades shall be prohibited unless facing a non-residential zoning district.
- E. For the purpose of calculating the allowable area for a wall sign, the horizontal dimension of an entire elevation, or store front, whichever applies, may be used provided that there are no projections which extend perpendicularly from the place of the elevation more than twelve (12) feet or seven (7) percent of the horizontal dimension, whichever, is greater. Projections greater than these limits shall be considered a separate wall.

4. Projection Over Private Property: Projections other than awning or canopy signs over private property shall be allowed over pedestrian sidewalks, walkways and corridors, but not to exceed the following:

Vertical Clearance

Maximum Projection

7 feet or less	3 inches
7 or 8 feet	12 inches
8 feet or more	4 feet

5. Awning Signs: The copy/artwork on an awning shall not exceed the area and size that is allowed for a wall sign on the wall to which it is attached. However, the total area of wall signs and awning signs on any wall shall not exceed the area and size allowed for a single wall sign, and shall not extend more than seventy-five (75) percent of the length of the awning.
6. Canopy Signs: A canopy sign may be placed on or be an integral part of the face of a canopy. The sign may consist of only the name and/or logo of the business at the location of the canopy and may be no greater in size than ten (10) percent of the face of the canopy of which it is a part of or to which it is attached, or a maximum of twenty-five (25) square feet, whichever is greater. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.
7. Subdivision Wall Signs or Plaques: Subdivision wall signs or plaques are limited to residential zoning districts and shall not exceed thirty (30) square feet. Subdivision wall signs or plaques are limited to two (2) per subdivision entry and may be illuminated by means of spotlighting only. Subdivision wall signs or plaques shall only be attached to an approved masonry screening wall. Subdivision wall signs or plaques shall only be allowed in the absence of a freestanding subdivision entry sign.
8. Window Signs: Window signs are permitted without assessment of a fee if the total area of all window signs on an elevation of a building does not exceed twenty-five (25) percent of the window area of that elevation. Applicants that request more than the 25% maximum shall be required to include the area of all window signs into calculating the allowable wall signage per elevation, and shall be assessed the required fee.
9. Home Occupation Signs: One (1) wall sign not to exceed one (1) square foot in area, identifying a legal home occupation is permitted per dwelling unit.

SECTION 25.11. REQUIREMENTS FOR FREESTANDING SIGNS

1. General Provisions:
 - A. Freestanding signs shall not be placed in any sight visibility triangle.
 - B. All permanent or temporary freestanding signs located or to be located within the City of Whitehouse shall conform to the requirements set forth in "Table-1, Requirements For Freestanding Signs".
 - C. All signs located in the town center zoning district shall conform to the Zoning Ordinance or to this Ordinance, whichever is more restrictive, except for sign

size, in which case the Zoning Ordinance shall take precedence.

- D. In the case of a multiple-face sign, the gross surface area of each face shall not exceed two (2) times the allowable square footage divided by the number of sign faces.

2. Other Provisions:

A. Multi-Purpose Signs:

- 1. The identification portion of a multi-purpose sign shall not exceed fifty (50) square feet. The directory portion shall not exceed seventy (70) square feet and the reader board portion shall not exceed thirty (30) square feet. Multi-purpose signs may have any combination of directory and reader board area.
- 2. The total area of multi-purpose pole signs shall not exceed one hundred fifty (150) square feet. In the case of multi-purpose monument signs, the maximum overall area shall be two hundred twenty-five (225) square feet, however, the copy area shall be limited to one hundred fifty (150) square feet leaving a base area of seventy five (75) square feet.
- 3. The required setback for multi-purpose signs shall be thirty (30) feet from front and adjoining private property lines. Multi-purpose signs are limited to one (1) per street front and a minimum spacing of sixty (60) feet from any other freestanding sign must be maintained.

- B. Subdivision Entry Signs: Freestanding subdivision entry signs shall only be allowed in the absence of subdivision wall signs or plaques.

- C. Projections of Overhangs on Freestanding Signs: Any projecting or overhanging portion of a freestanding sign must be a minimum of ten (10) feet above any walkway and fourteen (14) feet above driveways.

- D. Wheel or Bumper Guard Protection for Freestanding Signs: Freestanding signs shall be protected by wheel or bumper guards when required by the Building Official.

- E. Exceptions: The City Council may approve nonconforming signs for governmental entities and schools. As well as civic centers, conference centers, sports complexes, stadiums, auditoriums, or the like.

SECTION 25.12. OTHER REQUIREMENTS

- 1. Wind Pressure and Dead Load Requirements: All signs shall be designed and constructed to withstand wind pressure and to receive dead loads as required by the Official Building Code of the City of Whitehouse.
- 2. Maintenance of Signs: All signs and supports shall be maintained so as not to create a

dilapidated or deteriorated condition.

3. Construction Types: Monument and pole construction types may be used for any freestanding signs. Monument signs, which are the preferred type of construction, are limited to a maximum height of ten (10) feet.
4. Construction Materials: All signs shall be constructed of materials that are not subject to deterioration when exposed to the weather. Signs that are internally illuminated must be constructed of incombustible materials or approved plastics.
5. Artwork Signage: Any painting, mural, sculpted figure, or other graphic depiction on the exterior of a building or incorporated onto any sign shall be considered a sign if:
 - A. It depicts a product or service offered by the establishment.
 - B. It depicts a theme associated with the business. (i.e. a painting of a guitar for the Hard Rock Café or a picture of a gondola for an Italian Restaurant)

**TABLE 1. GENERAL REQUIREMENTS
REQUIREMENTS FOR FREESTANDING SIGNS**

SIGN TYPE	ZONING DISTRICT	CONSTRUCTION TYPE	MAXIMUM AREA	MAXIMUM HEIGHT	SETBACKS	SPACING
Agricultural	Agricultural only	Pole	50 square feet	15 feet	Sign must be entirely on the owners private property & no part of the sign can encroach into the state or city right of way	200 feet
Apartment	Residential	Monument	25 square feet	10 feet	Same as above	1 sign per street front
Construction*	Non-residential or Residential	Monument or Pole	32 square feet 32 square feet	10 feet 15 feet	Same as above	1 per street front
Development*	Non-residential or Residential	Monument or Pole	100 square feet 100 square feet	10 feet 20 feet	Same as above	1 for each 50 acres
General Business	Non-residential	Monument or Pole	90 square feet 60 square feet	10 feet 20 feet	Same as above	60 feet
Identification	Non-residential	Monument or Pole	150 square feet 100 square feet	10 feet 20 feet	Same as above	60 feet
Institutional	Non-residential Residential	Monument Pole Monument	90 square feet 32 square feet 32 square feet	10 feet 10 feet 10 feet	Same as above	1 per street front
Model Home*	Residential	Monument or Pole	16 square feet 16 square feet	6 feet 6 feet	Same as above	1 per subdivision per builder
Multi-Purpose	Non-residential	Monument or Pole	225 square feet 150 square feet	10 feet 20 feet	Same as above	60 feet
Municipal	Non-residential or Residential	Monument	100 square feet	10 feet	Same as above	N/A
Real Estate*	Non-residential	Monument or Pole	32 square feet 32 square feet	10 feet 15 feet	Same as above	1 per street front
Real Estate*	Residential	Monument or Pole	6 square feet 6 square feet	10 feet 15 feet	Same as above	1 per street front
Subdivision	Residential	Monument	30 square feet	2.5 feet	Same as above	2 per subdivision entry

*Denotes temporary signs. All others are permanent signs.

SECTION 25.13. SPECIAL DISTRICTS

TOWN CENTER DISTRICT

1. Purpose: To provide appropriate design standards for the use of properties fronting on Main Street (FM 346) and SH 110 and intersecting thoroughfares. These standards recognize the area's unique development character and provide for coordination between its various districts and categories of use.

2. Signage Requirements Town Center Main Street:

Freestanding (pole)	
Residential	-
Commercial/Mixed Use	-

Monument (ground)	
Residential	P
Commercial/Mixed Use	P

Building (attached)	
Banners, Pennants, and Streamers without a permit	-
Building Marker	P
Canopy/Awning	P
Identification	P
Marquee/Projecting	P
Reader Board	-
Roof	-
Suspended	P
Temporary (<i>excluding garage sale signs</i>)	-
Spectacular Signs (<i>moving, traveling, and blinking</i>)	display can change only once per min, running video
Wall	P
Window	P

Number, Dimensions, and Location of Individual Signs	
Monument (ground)	
Maximum Area (<i>square feet</i>)	72
Maximum Height (<i>feet</i>)	8
Minimum Setback (<i>linear feet</i>)	2
Number Permitted	
Per Feet of Street Frontage	1 per 100
Building (attached)	
Maximum Area as a Percentage of Principal Building Footprint Area	1%

Permitted Signs Lighting Characteristics	
Internal Illumination	P
External Illumination	P
Exposed bulbs or neon Illumination	P

3. Signage Requirements Town Center Highway 110:

Freestanding (pole)	
Residential	-
Commercial/Mixed Use	-

Monument (ground)	
Residential	P
Commercial/Mixed Use	P

Building (attached)	
Banners, Pennants, and Streamers without a permit	-
Building Marker	P
Canopy/Awning	P
Identification	P
Marquee/Projecting	P
Reader Board	-
Roof	-
Suspended	P
Temporary (<i>excluding garage sale signs</i>)	-
Spectacular Signs (<i>moving, traveling, and blinking</i>)	display can change only once per min, running video
Wall	P
Window	P

Number, Dimensions, and Location of Individual Signs	
Monument (ground)	
Maximum Area (<i>square feet</i>)	72
Maximum Height (<i>feet</i>)	8
Minimum Setback (<i>linear feet</i>)	2
Number Permitted	
Per Feet of Street Frontage	1 per 100
Building (attached)	
Maximum Area as a Percentage of Principal Building Footprint Area	1%

Permitted Signs Lighting Characteristics	
Internal Illumination	P
External Illumination	P
Exposed bulbs or neon Illumination	P

All other provisions of this Ordinance and its subsequent updates and provisions shall apply. Where conflicts exist, the more restrictive requirement shall apply.

4. Other Provisions and Requirements: Reserved

ARTICLE 26. PLANNED DEVELOPMENTS

SECTION 26.1. ROSEBROOK SUBDIVISION - October 1987

SECTION 26.2. SHAHAN RANCH – PHASE 1 (6.402 ac portion) - July 2018

SECTION 26.3. FORESTDALE SUBDIVISION – May 2019