# ZONING ORDINANCE
# City of White Oak, Texas

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# ZONING ORDINANCE
# City of White Oak, Texas
**(Ordinance No. __2009-2)**

## I.ENACTING PROVISIONS

## SECTION 1ENACTING CLAUSE

AN ORDINANCE OF THE CITY OF WHITE OAK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WHITE OAK, ORDINANCE NO. 2009-2 OF THE CITY OF WHITE OAK, TEXAS, AS APPROVED AND ADOPTED ON THE 16TH DAY OF JUNE, 2009, TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PROVISIONS; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE; AND PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE.

THIS ORDINANCE IS HEREBY ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WHITE OAK, TEXAS. THE PREVIOUS ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2009-2, ADOPTED ON THE 16TH DAY OF JUNE, 2009, TOGETHER WITH AMENDMENTS THERETO, IS HEREBY AMENDED, REPEALED AND REPLACED IN ITS ENTIRETY BY THIS ORDINANCE TO READ AS FOLLOWS:

## SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of White Oak's "Comprehensive Zoning Ordinance" or "Zoning Ordinance".

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

## SECTION 3 ZONING DISTRICT MAP

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

3.1 A copy of the original Zoning District Map shall be placed in the office of the City Coordinator, or his/her designee. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map.

## SECTION 4 ZONING DISTRICT BOUNDARIES

4.1 The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following City limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

E. Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.

F. Boundaries indicated as parallel to or extensions of features indicated with Subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.

G. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, or if the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "A" (Agriculture district) in the same manner as provided for newly annexed territory.

J. Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance and the effective date of this Ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

## SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS

5.1 All land, buildings, structures or appurtenances thereon located within the City of White Oak, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 36 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.

5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), The Texas Natural Resource Conservation Commission (TNRCC), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

5.3 Every building hereafter erected or structurally altered shall be on a platted lot of record.

## SECTION 6 ZONING UPON ANNEXATION

6.1 All territory hereinafter annexed by the City of White Oak shall be temporarily classified as "A" Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

6.2 The City Council may, upon its own motion, elect to zone newly annexed territory with a more permanent zoning classification (e.g., SF-12, SF-5.5, MF-2, LR, etc.) than the Agricultural ("A") zoning designation upon a determination that such permanent zoning is in conformance with the City's adopted Comprehensive Plan, is the most appropriate zoning classification for the subject property, is in the best interest of the City of White Oak, and is not detrimental to adjacent property or to the public health, safety and welfare.

6.3 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.

6.4 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

6.5 If plans and/or preparations for developing a property were already in progress prior to annexation of the property into the City of White Oak, then the City Administrator or his/her designee may authorize construction of the project provided:

1. An application for a building permit for the proposed building/use must be made to the Building Inspector of the City of White Oak (or his/her designee) within three (3) months after annexation of the property into the City; and

2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

## SECTION 7 NONCONFORMING USES AND STRUCTURES

### 7.1 INTENT OF PROVISIONS:

A. Within the districts established by this Ordinance there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Ordinance are met.

B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses unless provided for in this Ordinance.

### 7.2 NONCONFORMING STATUS:

Any use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use, platted lot, or structure when:

A. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of this Ordinance, and has since been in regular and continuous use; or

B. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of any amendment to this Ordinance, but by such amendment is placed in a district wherein such use, platted lot, or structure is no longer permitted, and has since been in regular and continuous use; or

C. Such use, platted lot, or structure was in existence and lawfully operating at the time of annexation into the City and has since been in regular and continuous use.

### 7.3 CONTINUING LAWFUL USE OF PROPERTY AND EXISTENCE OF STRUCTURES:

A. The lawful use of land or lawful existence of structures as of the effective date of this Ordinance, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or structure is discontinued or abandoned, as these terms are defined in Subsection B below, any future use of said premises shall be in conformity with the provisions of this Ordinance.

B. "Discontinuance" of a nonconforming use shall be defined as the actual act or date that the use is discontinued (i.e., ceases to operate on the subject property). "Abandonment" of a nonconforming use or structure shall be defined as the actual act or date of abandonment as described in Subsection C.

C. When a nonconforming use or structure which does not meet the standards in this Ordinance ceases to be used in such manner as stated in Subsection B above for a time period of six (6) months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment, except as allowed in Subsection 7.5(E). Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

D. No nonconforming use or structure may be expanded, re-occupied with another nonconforming use, or increased following the effective date of this Ordinance except as provided in Section 7.5.

E. Conforming single-family residential uses on platted lots which were approved prior to the effective date of this Ordinance, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met or the lot shall be considered nonconforming.

F. Any existing vacant lot platted prior to the effective date of this Ordinance, which was legally conforming, shall be deemed a conforming lot.

## 7.4 **CHANGING NONCONFORMING USES:**

A. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in Section 7.5 below.

C. A nonconforming use may not be changed to another nonconforming use.

## 7.5 EXPANSION OF NONCONFORMING USES AND BUILDINGS:

An expansion of a nonconforming use or structure is allowed in accordance with the following:

A. A nonconforming use located within a building may be extended throughout the existing building, provided that;

   1. No structural alteration (except as provided in Subsection E below) may be made on or in the building except those required by law to preserve such building in a safe and structurally sound condition.

   2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

B. No nonconforming use within a building may be extended to occupy any land outside the building.

C. No nonconforming use of land or building shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.

D. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required which was an official "lot of record" prior to the effective date of this Ordinance, may be used for a single-family dwelling.

E. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use if Subsection E above is followed.

F. A nonconforming use may be required to provide screening such that its operations (or some portion of its operations/facility) are not visible from the street or surrounding property, may be required to eliminate any nuisance factor caused by the nonconforming use, or the nonconforming use may be eliminated itself if it is deemed detrimental or hazardous to the health, safety or welfare of nearby residents or other citizens. The Planning and Zoning Commission may, following notice and public hearing, review any of the above situations and may make an appropriate recommendation (i.e., to provide screening, to eliminate a nuisance factor, or to eliminate the nonconforming use itself) to City Council. The City Council may, after appropriate notice and public hearing, make a final ruling on any of the above situations. Any unfavorable recommendation by the Planning and Zoning Commission may be appealed to City Council, whereupon a three-quarters (¾) vote of the Council will be required to reverse the Planning and Zoning Commission's recommendation.

## 7.6 **RESTORATION OF NONCONFORMING STRUCTURE:**

A. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or some other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming structure which does not exceed fifty percent (50%) of its total appraised value as determined by the Gregg County Appraisal District, reconstruction will be permitted, but the previously existing square footage of the structure and/or the function of the nonconforming use cannot be expanded.

## 7.7 **COMPLETION OF STRUCTURES:**

A. Nothing herein contained shall require any change in the plans, construction or designated use of:

1. A building or structure for which a building permit has been issued or a site plan approved, which has not expired prior to the effective date of this Ordinance;

## 7.8 **MINOR MODIFICATIONS**

The City Coordinator or his or her designee may approve encroachments of a principal building into any required setback up to a maximum of ten percent (10%)of the applicable required setback, provided that:

(A) The request involves encroachment into two or fewer required setbacks per lot; and

(B) The encroachment is a result of a construction error by the property owner or a person acting on his or her behalf whether discovered during the construction process or afterwards; or special circumstances or conditions exist (e.g., narrowness, exceptional topographic conditions, or the shape of the property) that are not common to other areas or buildings that are similarly situated and practical difficulty may result from strict compliance with this Ordinance's standards, provided that the requested encroachment will not have the effect of nullifying or impairing the intent and purposes of either the specific standards, this Ordinance, or the Comprehensive Plan; and

(C) The encroachment cannot be corrected without substantial hardship and expense to the property owner; and

(D) The encroachment, if approved, will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health and safety.

## SECTION 8 PLANNING AND ZONING COMMISSION

### 8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria which establish membership, operating procedures, and the powers and duties of the Planning and Zoning Commission.

### 8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

A. There is created, in accordance with Chapter 211 of the Texas Local Government Code, and established by Ordinance of the City of White Oak, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of seven (7) members who are resident citizens of the City of White Oak.

B. Members shall be nominated for appointment by the City Council of the City of White Oak, and each person so nominated must be approved by a simple majority vote of the City Council before becoming a member of the Commission.

C. All appointments to the Commission shall be for terms of three (3) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, within any three-year period, the terms of two full members shall expire during two of those years, and the term of one full member shall expire during the third year). Terms of office of certain members shall expire on the first (1st) day of _____*[month]* of any given year.

D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).

E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.

F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Commission.

G. The Commission shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission. The City Coordinator or his or her designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Planning and Zoning Commission as well as the full record of all recommendations made by the Commission to the City Council.

H. The Commission shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the City Council, and the rules, regulations and bylaws shall be subject to approval by City Council. Such rules and bylaws shall include, among other items, provisions for:

1. Regular and special meetings, open to the public;

2. A record of its proceedings, to be open for inspection by the public;

3. Reporting to the governing body and the public, from time to time and annually; and

4. The holding of public hearings on its recommendations.

## 8.3 PARLIAMENTARY PROCEDURE; QUORUM; VOTING:

A. The Commission will follow the parliamentary procedure adopted by City Council for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

1. **Quorum** - A quorum shall consist of a majority of the membership of the Commission (or four members) and any issue to be voted upon shall be resolved by a majority of those members present.

2. **Voting** - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.

3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists. A member has a conflict of interest with regards to an item on the Commission's agenda if the member has a substantial interest in a business entity or in real estate, as defined by Section 171.002 of the Local Government Code, which is involved as a participant in or subject of that agenda item.

## 8.4 MEETINGS; PUBLIC RECORD:

A. The Planning and Zoning Commission shall meet in the Council Chamber in City Hall or in some other specified location as may be designated by the presiding Chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.

B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

## 8.5 ESTABLISHING EXTRATERRITORIAL JURISDICTION:

A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the City's corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial powers.

8.6 **POWERS AND DUTIES:**

A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Chapter 211 of the Texas Local Government Code, as amended.

B. In general, the Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

8.7 **PROCEDURE ON ZONING HEARINGS:**

A. The procedure and process for zoning changes/amendments shall be in accordance with Section 9 of this Ordinance.

8.8 **JOINT MEETINGS WITH CITY COUNCIL:**

A. Whenever the City Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning and/or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings, provided that the City Council shall not take action on any matter heard until it has received the recommendation of the Planning and Zoning Commission.

# SECTION 9 CHANGES AND AMENDMENTS TO ZONING ORDINANCES AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES

## 9.1 **DECLARATION OF POLICY AND REVIEW CRITERIA:**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

A. To correct any error in the regulations or map;

B. To recognize changed or changing conditions or circumstances in a particular locality;

C. To recognize changes in technology, the style of living, or manner of conducting business; or

D. To change the property to uses in accordance with the approved Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

E. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;

F. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;

G. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

H. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

I. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and

J. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

## 9.2 **AUTHORITY TO AMEND ORDINANCE:**

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 9.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he/she is acting as an authorized agent for the property owner.

## 9.3 **APPLICATION:**

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City, and shall be accompanied by payment of the appropriate fee as established by the City of White Oak. The application shall also be accompanied by additional information/ materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Coordinator, or his/her designee, in order to ensure that the request is understood.

## 9.4 **PUBLIC HEARING AND NOTICE:**

A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), written notice of the public hearing to occur before the Planning and Zoning Commission shall be sent to each owner of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of the property on which the change in classification is proposed and which is located within the City Limits. Said written notice shall be sent not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.

B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth ($15^{th}$) day prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.

C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

## 9.5 FAILURE TO APPEAR:

Failure of the applicant or his/her representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the City Coordinator, or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

## 9.6 PLANNING & ZONING COMMISSION CONSIDERATION AND RECOMMENDATION:

A. The Planning and Zoning Commission shall function in accordance with Section 9 of this Ordinance and with applicable provisions in the City's Code of Ordinances.

B. The Commission shall hold a public hearing on a zoning/rezoning request (including a proposed text amendment to the Zoning Ordinance). After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The Planning and Zoning Commission may, on its own motion or at the applicant's request, defer its decision/ recommendations (i.e., table the request) for not more than ninety (90) days from the time the public hearing was first opened, or until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling (i.e., cite the meeting date whereon the request will reappear on the Commission's agenda).

C. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions, or disapproval of the request. If the Commission's recommendation is to approve the request (either as submitted or with additional conditions), then the request will be automatically forwarded to the City Council for a second public hearing thereon (see Section 9.7).

D. If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

## 9.7 CITY COUNCIL CONSIDERATION:

A. **Applications Forwarded from the Planning and Zoning Commission to City Council -** Every application or proposal which is heard by the Planning and Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. An application which is recommended by the Planning and Zoning Commission for approval shall be forwarded to City Council along with the Commission's favorable recommendation. An application which is recommended by the Planning and Zoning Commission for denial shall be forwarded to City Council along with the Commission's reasons for denial.

B. **City Council Action on Zoning/Rezoning or Text Amendment Requests -** After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.

1. If the City Council approves the request, then Subsection 9.7.E would apply.

2. If the City Council denies the request, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial.

    a. The City Council may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is submitted.

C. **City Council Hearing and Notice for Zoning Changes -** Notice of the City Council public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City before the fifteenth ($15^{th}$) day prior to the date of the public hearing.

D. **Three-Fourths Vote -** A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006(d) of the Texas Local Government Code (commonly referred to as the "twenty percent [20%] rule"). 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 percent (20%) or more, either of the area of the lots or land included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council. All lots or land within the two hundred feet (200’) area must be within the City Limits to be calculated as part of the 20% rule.

E. **Final Approval and Ordinance Adoption -** Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the City Coordinator, or his/her designee, must be submitted with the zoning change request application. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted (i.e., effective) until a correct description and all required exhibits have been submitted to the City Coordinator, or his/her designee.

## SECTION 10 ZONING BOARD OF ADJUSTMENTS (ZBA)

### 10.1 **CREATION:**

A. There is hereby created a Zoning Board of Adjustments (Zoning Board of Adjustments), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of White Oak.

### 10.2 **MEMBERS; TERMS OF OFFICE:**

A. The Zoning Board of Adjustment shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the City Council, in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.

B. Two (2) alternate members may be appointed by the City Council, and they shall act and serve as members of the Board when a regular member(s) is absent or is otherwise unable to serve. The alternate member who shall serve at a particular meeting of the Board shall be on an alternating basis such that both alternates have equal opportunities to serve. An alternate member shall serve as a regular member of the Board when requested by the City Coordinator or his or her designee.

C. Regular Board members and alternate members shall serve for terms of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, in any two-year period, the terms of two regular members and one alternate member shall expire during one of those years, and the terms of three regular members and one alternate member shall expire during the second year).

D. Any vacancy(s) on the Board (both regular members and alternate members) shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).

E. Members of the Board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member’s control such as sickness of the member or someone within the member's immediate family.

F. The members of the Board (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board.

G. The Board shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Board. The City Coordinator’s designee shall serve as Secretary to the Zoning Board of Adjustments, and shall keep minutes of all meetings held by the Board.

H. The Board shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Council, and the rules, regulations and bylaws shall be subject to approval by City Council.

## 10.3 **MEETINGS:**

A. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board shall always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

## 10.4 **AUTHORITY OF BOARD:**

The Board of Adjustment shall have the authority, subject to the standards established in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; and

B. Authorize, in specific cases, a variance (see Section 10.6) from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done.

C. In exercising its authority under Subsection A above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

D. The concurring vote of at least seventy-five percent (75%), or four (4) members, of the full Board is necessary to:

1. Reverse an order, requirement, decision or determination of an administrative official;

2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;

3. Authorize a variance from the terms of this Zoning Ordinance; or

4. Grant special exceptions, as permitted by Section 10.6.

## 10.5 **LIMITATIONS ON AUTHORITY OF BOARD:**

A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 10.7.

B. The Board shall have no power to grant, authorize or modify special uses (i.e., any use not permitted in a zoning district in Section 26 of these regulations).

C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.

D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

10.6 **VARIANCES:**

A. The Zoning Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings hereinbelow required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

B. **Conditions Required for Variance -** No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 10.8 of this Ordinance and unless the Zoning Board of Adjustments finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

Such findings of the Zoning Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

C. **Findings of Undue Hardship -** In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and

2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

3. That the relief sought will not injure the permitted use of adjacent conforming property; and

4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

D. A variance or special exception shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance or special exception may be granted which results in undue hardship upon another parcel of land.

E. The applicant bears the burden of proof in establishing the facts that may justify a variance or special exception.

## 10.7 APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:

A. **Authority -** In addition to the authorization of variances from the terms of this Ordinance, the Zoning Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Zoning Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Zoning Board of Adjustments has the same authority as the administrative official. The Zoning Board of Adjustments may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use/development regulations.

B. **Who May Appeal -** Any of the following persons may appeal to the Zoning Board of Adjustments a decision made by an administrative official:

1. A person directly aggrieved by the decision; or

2. Any officer, department, board or office of the municipality affected by the decision.

C. **Procedure for Appeal -** The appellant must file with the Zoning Board of Adjustments and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within forty-five (45) calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustments all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Zoning Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property.
In that case, the proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustments or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney.

The Board shall decide the appeal within forty-five (45) calendar days after the written request (i.e., notice of appeal) was received, after which time the request shall be deemed automatically approved if no formal action is taken. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

## 10.8 PROCEDURES:

A. **Application and Fee -** An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the Board, and shall be accompanied by an application fee, a site plan and/or additional information as may be requested in order to properly review the application.

Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.

B. **Review and Report by the City** - The City Coordinator or his or her designee, or his/her designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his/her findings to the Zoning Board of Adjustments.

C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Public notice of all ZBA hearings shall be posted according to the Texas Open Meetings Act..

D. **Action by the Zoning Board of Adjustments** - The Zoning Board of Adjustments shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in Section 9.6 has been established. The Zoning Board of Adjustments may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

10.9 **FINALITY OF DECISIONS; JUDICIAL REVIEW:**

A. All decisions of the Zoning Board of Adjustments are final and binding. However, any person aggrieved by a decision of the Zoning Board of Adjustments may present a verified petition to a court of record which states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Zoning Board of Adjustments.

## SECTION 11 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

11.1 Certificates of Occupancy shall be required for any of the following and are also subject to Section 14-198 of the City of White Oak Code of Ordinances:

A. Occupancy and use of a building hereafter erected or structurally altered (including minor renovation/rehabilitation of residential structures, as described in Subsection 11.4 below);

B. Change in use of an existing building to a use of a different classification;

C. Change in the use of land to a use of a different classification; and/or

D. Change in occupancy of any building or structure.

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Inspector or his/her designee.

## SECTION 12 SITE PLAN APPROVAL PROCESS

### 12.1 **PURPOSE:**

A. 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 ensure physical, social and economic compatibility with neighboring developments and conditions, as well as with the community at large; and to prevent detrimental impact to the natural environment on- and off-site by providing for review and evaluation by the Planning and Zoning Commission of site plans for all developments of the types listed below. Although certain minimum standards are set forth in this Ordinance, such review will permit maximum flexibility in evaluating each plan on its own merits, and will encourage variety and innovation while also ensuring privacy and safety on all levels.

### 12.2 **SITE PLAN REVIEW REQUIRED:**

A. All development projects described in Subsection 12.3 below which involve any new development or construction shall be required to have site plan approval from the Planning and Zoning Commission. Final Planning and Zoning Commission approval of site plans must be achieved prior to issuance of any building or construction permit.

### 12.3 **USES REQUIRING SITE PLAN REVIEW AND APPROVAL:**

A. The site plan approval provisions contained herein shall apply to the following zoning districts and uses:

1. All multi-family residential districts and uses with proposed developments of two (2) or more dwelling units;

2. All manufactured home districts and mobile home parks; and

3. All non-residential districts and uses having one (1) or more acre of land area, and/or twenty thousand (20,000) square feet of building (i.e., floor) area.

### 12.4 **CONSIDERATIONS OF PLANNING AND ZONING COMMISSION IN SITE PLAN REVIEW:**

A. The Planning and Zoning Commission shall consider the following when reviewing site plans:

1. General character and compatibility – That is, the Planning and Zoning Commission shall determine that the proposed development is compatible or in agreement (internally or with surrounding areas) in terms of housing types, yard depths, ground coverage, tree cover, surface drainage and density (in residential developments), 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 the 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 and 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 hook-in(s) and service location(s), 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 subject 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 (for residential developments).

## 12.5 SITE PLAN REVIEW PROCEDURES:

A. The following process shall be utilized to obtain approval for site plans:

1. **Pre-Site Plan Review Conference** - The applicant for site plan review shall meet with the Building Inspector to discuss basic site plan procedures and requirements to consider the elements of the site in question, and to proposed development of the site.

2. **Administrative Processing:**

a. Building Inspector Review - Following the pre-site plan review conference, a site plan may be submitted to the Building Inspector. The applicant shall submit five (5) copies of the materials as indicated in Subsection 12.6.

The materials shall be distributed to various departments or offices for review and comment relative to each department's of office's area of specialty or concern. The comments and recommendations from each department or office will be collected and compiled by the Building Inspector, and the site plan with all City comments and recommendations will be presented to the Planning and Zoning Commission for their consideration.

b. Planning and Zoning Commission Review and Consideration - The Planning and Zoning Commission shall consider the site plan and shall determine whether it meets the intent of this Ordinance. The Planning and Zoning Commission shall have forty-five (45) days after receiving the site plan in which to review and to take action upon the site plan. If, at the end of the forty-five (45) day review period, the Planning and Zoning Commission shall be unable to give approval to the site plan, then the applicant may request (in writing, in the form of an appeal) that the City Council review the site plan for which approval has not been granted by the Planning and Zoning Commission.

Said written request shall also contain the Planning and Zoning Commission's reasons for not granting approval. The City Council shall then review the decision (or lack of approval) of the Planning and Zoning Commission, and shall take action on the request by approving the site plan, by approving the site plan with conditions, or by disapproving the site plan.

c. Building Permit Procedures - Site plan approval, as granted by the Planning and Zoning Commission (or the City Council upon appeal), shall be effective for a period of one (1) year unless otherwise specified at the time of approval. A building permit must be applied for within this period or the approved site plan shall be deemed null and void. At the end of the six-month effective period, a maximum six-month time extension may be granted by the Planning and Zoning Commission (at their sole discretion) upon written request of the applicant. A building permit may be issued for construction of the development as shown on the final, approved site plan. No changes, alterations or modifications to the approved site plan shall occur unless an amended site plan is submitted to the City, reviewed, and approved in the same fashion as for the initial site plan and in accordance with this Section.

## 12.6 SITE PLAN REQUIREMENTS:

A. The applicant shall submit five (5) copies of the following required materials and information for site plan review:

1. A legal description (either by metes and bounds, or by platted subdivision name) of the property under review for site plan approval;

2. Site conditions information, including:

   a. A topographic map of the site at a scale not smaller than 1" = 100', showing five (5') contours;

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 vicinity of the subject property, of adjacent properties, and of adjacent properties on the other side(s) of roadways, 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 general location, size and capacity of all existing utilities, including existing fire hydrant locations; and

   d. The general location of all existing water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, swales and storm sewers;

4. A site development plan at a scale not smaller than 1" = 60', showing:

a. The name of the planner, architect, engineer 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 the date of preparation of the plans (with any subsequent revision dates noted);

b. The general location of all proposed streets, driveways and other facilities designed to accommodate vehicular movement within and adjacent to the development; points of ingress and egress; parking areas, including the exact number of parking spaces; loading and service areas (including the locations of dumpsters); and trip generation for the development as it relates to the existing roadway system and to other existing and/or planned developments in the vicinity;

c. The exact locations of all proposed buildings and structures to be included in the development:

1) For retail, commercial, office and industrial developments: an indication of gross floor area per building and the total gross floor area for all buildings combined; or

2) For residential developments: an indication of the exact number of dwelling units broken down into sizes by bedrooms (e.g., number of one-bedroom units, number of two-bedroom units, etc.); and

d. The percentage of the site that will be covered by buildings and structures (i.e., lot coverage), and the percentage of the site that will be covered by other impervious surfaces (such as streets, driveways, parking areas, sidewalks and loading/service areas) and by pervious surfaces (such as landscaped areas, turf areas, etc.).

5. A development time table if the project is to be constructed in phases.

6. The City Coordinator or his/her designee shall have the authority to waive any requirements of Section 12.6.

## 12.7 AMENDMENTS TO THE APPROVED FINAL SITE PLAN:

A. Changes, alterations or modifications to any final approved site plan that involves construction, removal or relocation of a building or structure; re-design or modification of the vehicular or pedestrian circulation system (including all points of access, drives, parking areas and walkways); modifications to any of the storm drainage system, or relocation of any landscaped area shall require re-approval of the site plan by the Planning and Zoning Commission, in accordance with the procedures described within this Section.

# III. ZONING DISTRICTS

## SECTION 13 ZONING DISTRICTS ESTABLISHED

13.1 The City of White Oak, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

| Abbreviated Designation | Zoning District Name |
|---|---|
| **Base Districts** | |
| A | Agriculture |
| SF-12 | Single-Family Estate Residential-12 (minimum 12,000 square-foot lots) |
| SF-8 | Single-Family Residential-8 (minimum 8,000 square-foot lots) |
| SF-5.5 | Single-Family Residential-5.5 (minimum 5,500 square-foot lots) |
| SF-PH | Single-Family Residential-Patio Home (zero-lot-line homes) |
| 2F | Two-Family Residential (duplex homes) |
| MF-1 | Multi-Family Residential-1 (triplex and quadriplex homes) |
| MF-2 | Multi-Family Residential-2 (apartments) |
| MH | Manufactured Home |
| LR | Local (Neighborhood) Retail |
| R/HC | Retail (General) / Highway Commercial |
| LI | Light Industrial |
| Overlay Districts | |
| PD | Planned Development |
| SUP | Specific Use Provisions |

13.2 Certain terms and definitions used within this Ordinance can be found in the Appendix (A-1).

# SECTION 14A -- AGRICULTURE DISTRICT

## 14.1 GENERAL PURPOSE AND DESCRIPTION:

The A, Agriculture, district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agriculture until it is assigned another more permanent zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

## 14.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Single-family detached dwelling.

3. Farms, barns, nurseries, greenhouses, livestock, poultry products, or gardens on parcels one (1) acre or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (Appendix A-1, Definitions).

4. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the White Oak Independent School District.

5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

a. The term accessory use shall include customary home occupations as herein defined.

b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 28 for additional accessory use requirements.

c. A detached private garage used in conjunction with the main building.

d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 30.1.1.

e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant.

Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the A district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

6. Swimming Pool (private).

7. Utilities (public).

## 14.3 HEIGHT REGULATIONS:

A. Maximum Height:
   1. Thirty-five (35') for the main building/house.
   2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than two hundred feet (200') from any residential structure on adjacent property.
   3. Twenty-five feet (25') for other accessory buildings, including detached garage/accessory dwelling units.

## 14.4 AREA REGULATIONS:

A. Size of Lots:
   1. Minimum Lot Area - One (1) acre (i.e., 43,560 square feet)
   2. Minimum Lot Width - One hundred fifty feet (150')
   3. Minimum Lot Depth - Two hundred feet (200')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Thirty feet (30')
   2. Minimum Side Yard - Ten percent (10%) of the lot width, but need not exceed thirty feet (30'); thirty feet (30') from a street right-of-way for a corner lot (i.e., same as front yard)
   3. Minimum Rear Yard - Twenty-five feet (25') for the main building

C. Maximum Lot Coverage: Forty percent (40%) by main buildings; thirty percent (30%) including accessory buildings, driveways and parking areas.

D. Parking Regulations
   1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure.
   2. Other - See Section 27, Off-Street Parking and Loading Regulations

## 14.5 SPECIAL REQUIREMENTS:

A. Recreational vehicles travel trailers or motor homes may not be used for on-site dwelling purposes and must be parked on an improved surface behind the front building setback line and behind the side setback line if located on a corner lot..

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

C. Outside storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).

D. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

E. Other Regulations - As established by Sections 27 through 33.

# SECTION 15 SF-12 -- SINGLE-FAMILY ESTATE RESIDENTIAL-12 DISTRICT

## 15.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-12, Single-Family Estate Residential-12, district is intended to provide for development of primarily detached, single-family residences on lots of not less than twelve thousand (12,000) square feet.

## 15.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Single-family detached dwellings.

3. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the White Oak Independent School District.

4. Real estate sales offices during the development of residential subdivisions in which the office is located until ninety-five percent (95%) of the building permits of the platted lots in the subdivision are issued. Site plan review and approval by the City Coordinator, or his/her designee, is required for both permanent (e.g., model home used as a sales office) and non-permanent (e.g., trailer or movable building unit) structures to be used as real estate sales offices (issuance of a temporary structure permit by the City is also required for non-permanent structures). The City may, at its option, establish additional rules and procedures for permanent and/or non-permanent structures to be used as real estate sales offices in residential zoning districts. Adherence to such rules and procedures, if established by the City, shall be the responsibility of the applicant and shall be required as part of a proposed zoning change and/or development application.

5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Coordinator, or his/her designee. The specific time period allowed shall be specified by the City Coordinator, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Coordinator, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Coordinator, or his/her designee.

6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

a. The term accessory use shall include customary home occupations as herein defined.

b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard.
When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 28 for additional accessory use requirements.

c. A detached private garage used in conjunction with the main building.

d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 30.1.1.

e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the SF-12 district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

7. Swimming Pool (private).

8. Utilities (public).

15.3 **HEIGHT REGULATIONS:**

A. Maximum Height:
   1. Thirty-five feet (35') for the main building/house.
   2. Twenty-five feet (25') for other accessory buildings, including detached garage/accessory dwelling units.

15.4 **AREA REGULATIONS:**

A. Size of Lots:
   1. Minimum Lot Area – Twelve thousand (12,000) square feet
   2. Minimum Lot Width - Ninety feet (90')
   3. Minimum Lot Depth - One hundred forty feet (140')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Thirty feet (30')
   2. Minimum Side Yard - Ten feet (10'); fifteen feet (15') on corner lots adjacent to a street
   3. Minimum Rear Yard - Twenty-five feet (25') for the main building

C. Maximum Lot Coverage: forty percent (40%) by main buildings; thirty percent (30%) including accessory buildings, driveways and parking areas.

D. Parking Regulations:

1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure
2. Other - (See Section 27, Off-Street Parking and Loading Requirements)

15.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and must be parked on an improved surface behind the front setback line and behind the side setback line if located on a corner lot..

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

D. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

E. Other Regulations - As established in the Development Standards, Sections 27 through 33.

## SECTION 16 SF-8 -- SINGLE-FAMILY RESIDENTIAL-8 DISTRICT

### 16.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-8, Single-Family Residential-8, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than eight thousand (8,000) square feet.

### 16.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Single-family detached dwellings.

3. All uses allowed in the SF-12 zoning district.

### 16.3 HEIGHT REGULATIONS:

A. Maximum Height:
1. Thirty-five feet (35') for the main building/house.
2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

### 16.4 AREA REGULATIONS:

A. Size of Lots:
1. Minimum Lot Area - Eight thousand (8,000) square feet
2. Minimum Lot Width - Sixty feet (60')
3. Minimum Lot Depth - One hundred twenty feet (120')

B. Size of Yards (all are measured from the property line):
1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Ten feet (10') required; fifteen feet (15') on corner lots adjacent to a street
3. Minimum Rear Yard - Twenty-five feet (25') for the main building

C. Maximum Lot Coverage: Forty percent (40%) by main Buildings: thirty percent (30) including accessory buildings, driveways and parking areas.

D. Parking Regulations:
1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure
2. Other - (See Section 27, Off-Street Parking and Loading Requirements)

16.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and must be parked on an improved surface behind the front building setback line and behind the side setback line if located on a corner lot.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

D. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

E. Other Regulations - As established in the Development Standards, Sections 27 through 33.

## SECTION 17 SF-5.5 -- SINGLE-FAMILY RESIDENTIAL-5.5 DISTRICT

### 17.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-5.5, Single-Family Residential-5.5, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than five thousand five hundred (5,500) square feet.

### 17.2 PERMITTED USES:

1. Those uses specified in Section 26 (Use Charts).
2. Single-family detached/attached dwellings (townhomes).
3. All uses allowed in the SF-8 zoning district.

### 17.3 HEIGHT REGULATIONS:

A. Maximum Height:
   1. Thirty-five feet (35') for the main building/house.
   2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

### 17.4 AREA REGULATIONS:

A. Size of Lots:
   1. Minimum Lot Area - Five thousand five hundred (5,500) square feet
   2. Minimum Lot Width - Fifty feet (50')
   3. Minimum Lot Depth - One hundred and ten feet (110')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Twenty-five feet (25')
   2. Minimum Side Yard - Five feet (5); ten feet (10') on corner lots adjacent to a street
   3. Minimum Rear Yard - Twenty-five feet (25') for the main building

C. Maximum Lot Coverage: Forty percent (40%) by main buildings and accessory buildings

D. Parking Regulations:
   1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure
   2. Other - (See Section 27, Off-Street Parking and Loading Requirements)

### 17.5 SPECIAL REQUIREMENTS:

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and must be parked on an improved surface behind the front building setback line and behind the side setback line if located on a corner lot.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

D. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

E. Other Regulations - As established in the Development Standards, Sections 27 through 33.

## SECTION 18 SF-PH -- SINGLE-FAMILY RESIDENTIAL-PATIO HOME DISTRICT (ZERO-LOT-LINE HOMES)

### 18.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-PH, Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on more compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than four thousand five hundred (4,500) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

### 18.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Single-family detached/attached dwellings (townhomes).

3. All uses allowed in the SF-5.5 zoning district.

### 18.3 HEIGHT REGULATIONS:

A. Maximum Height:
1. Thirty-five feet (35') for the main building/house.
2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

### 18.4 AREA REGULATIONS:

A. Size of Lots:
1. Minimum Lot Area - Four thousand five hundred (4,500) square feet
2. Minimum Lot Width - Forty feet (40')
3. Minimum Lot Depth - One hundred ten feet (110')

B. Size of Yards (all are measured from the property line):
1. Minimum Front Yard – Twenty feet (20')
2. Minimum Side Yard - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street
3. Minimum Rear Yard - Twenty-five feet (15') for the main building

C. Maximum Lot Coverage: Sixty percent (60%) by main buildings and accessory buildings

D. Parking Regulations:
1. Single-Family Dwelling Unit - A minimum of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure
2. Visitor Parking - One half (½) parking space per dwelling unit (off-street) which is located within six hundred feet (600') of the dwelling unit
3. Other - (See Section 27, Off-Street Parking and Loading Requirements)

18.5 **SPECIAL REQUIREMENTS:**

A. Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the street side). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24"). No openings (e.g., doors, windows, etc.) shall be permitted on the exterior wall that has the zero setback.

B. Maintenance Requirements for Common Areas - A property owners association is required for continued maintenance of common land and/or facilities if such amenities exist within the subdivision. Official legal paperwork establishing a property owners association must be presented to the City at the time of Final Plat submittal.

C. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and are not allowed to be stored on any part of the lot.

D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

F. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

G. Other Regulations - As established in the Development Standards, Sections 27 through 33.

## SECTION 19 2F -- TWO-FAMILY RESIDENTIAL DISTRICT (DUPLEX)

### 19.1 GENERAL PURPOSE AND DESCRIPTION:

The 2F, Two-Family Residential, district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district may be included within single-family neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and higher density or non-residential areas or major thoroughfares.

### 19.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Two-family residence (duplex) and single-family detached/attached dwellings (townhomes).

3. All uses allowed in the SF-5.5 zoning district.

### 19.3 HEIGHT REGULATIONS:

A. Maximum Height
1. Thirty-five feet (35') for the main building/house.
2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

### 19.4 AREA REGULATIONS:

A. Size of Lots for Two-Family/Duplex Homes:
1. Minimum Lot Area - Eight thousand (8,000) square feet per duplex lot (i.e., four thousand [4,000] square feet of lot area per dwelling unit)
2. Minimum Lot Width - Eighty feet (80') for each duplex lot (i.e., forty feet (40') of lot width per dwelling unit)
3. Minimum Lot Depth - One hundred ten feet (110')

B. Size of Lots for Single-Family Detached Homes:
1. Minimum Lot Area - Five thousand five hundred (5,500) square feet
2. Minimum Lot Width - Fifty feet (50')
3. Minimum Lot Depth - One hundred ten feet (110')

C. Size of Yards (all are measured from the property line):
1. Minimum Front Yard - Twenty-five feet (25')
2. Minimum Side Yard - Ten feet (10') required; fifteen feet (15') on corner lot adjacent to street
3. Minimum Rear Yard - Twenty-five feet (25') for the main building

D. Maximum Lot Coverage: Forty percent (40%) by main buildings and accessory buildings

E. Parking Regulations:

1. Two-Family/Duplex Homes or Single-Family Detached Homes - A minimum of two (2) covered parking spaces for each dwelling unit behind the front building line and on the same lot as each dwelling unit.
2. Other - (See Section 27, Off-Street Parking and Loading Requirements).

19.5 **SPECIAL REQUIREMENTS:**

A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-5.5 zoning district.

B. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

C. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes and are not allowed to be stored on any part of the lot.

D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

F. Main building must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

G. Other Regulations - As established in the Development Standards, Sections 27 through 33.

# SECTION 20 MF-1 -- MULTI-FAMILY RESIDENTIAL-1 DISTRICT (TRIPLEX/QUADRIPLEX/APARTMENTS)

## 20.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-1, Multi-Family Residential-1, district is an attached residential district intended to provide a residential density of not more than sixteen (16) dwelling units per acre. The principal permitted land uses will include low-rise, three- to six-unit modules of multi-family dwelling units. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

## 20.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Multi-family dwelling greater than two (2) units per building, but not more than six (6) units per building.

3. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the White Oak Independent School District.

4. Leasing offices for the complex.

5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Coordinator, or his/her designee. The specific time period allowed shall be specified by the City Coordinator, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Coordinator, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Coordinator, or his/her designee.

6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

a. The term accessory use shall include customary home occupations as defined in Section 33.

b. Covered parking areas.

c. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 30.1.1.

7. Swimming Pool (private).

8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.

9. Townhouse or single-family attached residential dwelling.

## 20.3 HEIGHT REGULATIONS:

A. Maximum Height:
   1. Two and one-half stories or forty-five feet (45') for the main building(s).
   2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

## 20.4 AREA REGULATIONS:

A. Size of Lots:
   1. Minimum Lot Area - The minimum lot size shall be twenty thousand (20,000) square feet. Not to exceed sixteen (16) dwelling units per acre (calculated on gross acreage).
   2. Minimum Lot Width - Eighty feet (80')
   3. Minimum Lot Depth - One hundred feet (100')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards.
   2. Minimum Side Yard - Fifteen feet (15')
   3. Minimum Rear Yard - Twenty-five feet (25')
   4. Building Separation:
      a. One story buildings - Ten feet (10'), for buildings with or without openings
      b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings

D. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings

E. Parking Regulations:
   1. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of berms or brick/masonry walls.
   2. See Section 27, Off-Street Parking and Loading Requirements, for additional requirements.

## 20.5 REFUSE FACILITIES:

A. Every multi-family dwelling unit shall be located within one hundred feet (100') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property and shall be visually screened from view with appropriate screening in the form of berms or brick/masonry walls.

## 20.6 SPECIAL REQUIREMENTS:

A. Single-family or duplex units constructed in this district shall conform to SF-5.5 and 2F district standards, respectively.

B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

D. A paved walkway shall connect the front door of each ground floor unit to a parking area.

E. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

F. All parking areas shall have appropriate lighting and shall be positioned such that no light trespasses on to adjacent residential areas.

G. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

H. All main buildings must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

I. Other Regulations: As established in the Development Standards, Sections 27 through 33.

# SECTION 21 MF-2 -- MULTI-FAMILY RESIDENTIAL-2 DISTRICT (APARTMENTS)

## 21.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-2, Multi-Family Residential-2, district is an attached residential district intended to provide the highest residential density of twenty-one (21) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

## 21.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Multi-family dwellings that are typically greater than six (6) units per building.

3. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the White Oak Independent School District.

4. Leasing offices for the apartment complex.

5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Coordinator, or his/her designee. The specific time period allowed shall be specified by the City Coordinator, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Coordinator, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Coordinator, or his/her designee.

6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

a. The term accessory use shall include customary home occupations as defined in Section 33.

b. Covered parking areas.

c. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 30.1.1.

7. Swimming Pool (private).

8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.

## 21.3 HEIGHT REGULATIONS:

A. Maximum Height:
   1. Three (3) stories or forty-five feet (45') for the main building(s).
   2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

## 21.4 AREA REGULATIONS:

A. Size of Lots:
   1. Minimum Lot Area - The minimum lot size shall be twenty thousand (20,000) square feet. Not to exceed twenty-one (21) dwelling units per acre (calculated on gross acreage).
   2. Minimum Lot Width - One hundred feet (100')
   3. Minimum Lot Depth - One hundred fifty feet (150')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards.
   2. Minimum Side Yard - Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a Single-Family Zoning District
   3. Minimum Rear Yard - Twenty-five feet (25'); eighty feet (80') when the building is in excess of one story and adjacent to a Single-Family Zoning District
   4. Building Separation (measured between buildings):
      a. One story buildings - Ten feet (10'), for buildings with or without openings
      b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings
      c. Three story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty feet (20'), for buildings with or without openings

C. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings

D. Parking Regulations:
   1. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of berms or brick/masonry walls.
   2. See Section 27, Off-Street Parking and Loading Requirements, for additional requirements.

## 21.5 REFUSE FACILITIES:

A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property and shall be visually screened from view with appropriate screening in the form of berms or brick/masonry walls.

## 21.6 SPECIAL REQUIREMENTS:

A. Single-family or duplex units constructed in this district shall conform to SF-5.5 and 2F district standards, respectively.

B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

D. A paved walkway shall connect the front door of each ground floor unit to a parking area.

E. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

F. All parking areas shall have appropriate lighting and shall be positioned such that no light trespasses on to adjacent residential areas.

G. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

H. All main buildings must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

I. Other Regulations: As established in the Development Standards, Sections 27 through 33.

# SECTION 22 MH -- MANUFACTURED HOME DISTRICT

## 22.1 GENERAL PURPOSE AND DESCRIPTION:

The MH, Manufactured Home, district is a detached residential district establishing standards for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured/ mobile home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured/mobile home units. A manufactured, or mobile, home park offers spaces for the placement of manufactured/mobile home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

## 22.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

2. Individually owned HUD-code manufactured homes on lots in platted manufactured/mobile home subdivisions.

3. Mobile, or manufactured, home parks for residential use providing, on a rental basis, lots for placement of mobile homes with utilities. Small offices and washaterias are permitted as incidental uses within the park.

4. Industrialized housing.

5. Single-family detached dwellings.

6. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the White Oak Independent School District.

7. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the City Coordinator, or his/her designee. The specific time period allowed shall be specified by the City Coordinator, or his/her designee, upon issuance of a temporary structure permit, and site plan review and approval by the City Coordinator, or his/her designee, is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the City Coordinator, or his/her designee.

8. Accessory buildings and uses, as provided by Section 28, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business or an accessory dwelling unit, except as provided herein:

a. The term accessory use shall include customary home occupations as defined in Section 32.

b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 28 for additional accessory use requirements.

c. A detached private garage used in conjunction with the main building.

d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 30.1.1.

e. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

9. Swimming Pool (private), including recreation or community areas.

10. Utilities (public or private).

22.3 **AREA REGULATIONS:**

A. Size of Yards (For each space within Manufactured/Mobile Home Park or Subdivision; all are measured from the property line):
   1. Minimum Front Yard - Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive
   2. Minimum Side Yard - Ten feet (10'); twenty feet (20') between units; twenty feet (20') from zoning district boundary line
   3. Minimum Rear Yard - Ten feet (10'); twenty feet (20') from any zoning district boundary line
   4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback

B. Size of Lot (For each space within a Manufactured/Mobile Home Park):
   1. Minimum Lot Area - Three thousand five hundred (3,500) square feet per unit
   2. Minimum Lot Width - Forty feet (40')
   3. Minimum Lot Depth - Eighty feet (80')

C. Minimum Floor Area per Dwelling Unit: Eight hundred (800) square feet.

D. Maximum Lot Coverage: Fifty percent (50%) for main building/unit plus any accessory buildings.

E. Parking Regulations: Two (2) improved surface parking spaces per unit located on the same lot as the unit served (see Section 27, Off-Street Parking and Loading).

F. Minimum Lot Area for a Manufactured Home Subdivision - Twenty thousand (20,000) square feet.

G. Area for Manufactured Home Park - Minimum, three (3) acres; maximum, thirty-five (35) acres.

H. Maximum Height Limit:
   1. Thirty-five feet (35') for the main building/house.
   2. One (1) story for accessory buildings.

I. Manufactured Home Age – Any manufactured home installed after the approval date of this Ordinance shall be manufactured within the past five (5) years of the application date for the building permit including all replacement manufactured homes.

## 22.4 SPECIAL REQUIREMENTS FOR MANUFACTURED/MOBILE HOME PARKS:

A. Tenant Parking - Each parking space shall be an approved all-weather (i.e., concrete or asphalt) surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park (see Section 27, Off-Street Parking and Loading Requirements).

B. Visitor and Supplemental Parking - In addition to parking spaces required for each manufactured/mobile home unit, there shall be paved parking provided for the manufactured/mobile home community in general (see Section 27, Off-Street Parking and Loading Requirements):

1. Two (2) visitor parking space for every three (3) manufactured/mobile home spaces.

2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured/mobile home spaces.

3. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than one hundred fifty feet (150') from a visitor space.

4. Each parking space will be not less than nine feet by eighteen feet (9' X 18'), which is not to be included in the lot size.

C. Access - Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured/mobile home park.

D. Walkways - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.

E. Street Names and Signs - Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the City Coordinator, or his/her designee, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and City Council on the preliminary plat for the subdivision.

The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the City Coordinator, or his/her designee.

F. Other Signs - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

G. Intersections - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90) and at locations which will eliminate or minimize interference with traffic on those public streets.

H. Street Lighting - Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.

I. Electric and Telephone Service - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.

J. Drainage and Soil Protection - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

K. Refuse Handling and Collection - The owner or agent of a manufactured/mobile home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units.

L. Anchorage of Manufactured/Mobile Homes - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured/mobile home shall be provided according to the Building Code and State law.

M. Skirting:

1. All manufactured/mobile home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

2. All required skirting shall be masonry or metal (or other material approved by the City Coordinator, or his/her designee), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.

22.5 **SPECIAL REQUIREMENTS:**

A. Single-family dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-5.5 district (i.e., minimum 5,500 square foot lot size, minimum 55 foot lot width, etc.).

B. Open storage is prohibited.

C. Usable Open Space Requirements - Mobile Home Parks shall provide usable open space totaling fifteen percent (15%) of the area of the MH Park as approved by the Special Use Permit.

D. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

E. All manufactured homes must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

F. Other Regulations - As established in the Development Standards, Sections 27 through 33.

# SECTION 23 LR -- LOCAL (NEIGHBORHOOD) RETAIL DISTRICT

## 23.1 GENERAL PURPOSE AND DESCRIPTION:

The LR, Local (Neighborhood) Retail, district is established for low intensity office and professional uses, and for neighborhood-oriented retail and personal service uses. Uses should include office and professional uses, as well as small, free-standing retail structures. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting heights to two (2) stories, and by utilizing buffering and landscaping requirements. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and in similar scale with residential uses and adjacent property.

## 23.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).
   2. Accessory uses to the main use.
   3. Professional, administrative, general office, and neighborhood-oriented retail and personal service uses.
   4. Residential above commercial.

## 23.3 HEIGHT REGULATIONS:

A. Maximum Height (see also Subsection 23.4(B)4.):
   1. Two (2) stories or thirty-five feet (35') for the main building(s).
   2. Twenty-five feet (25’) for other accessory buildings, including detached garage/accessory dwelling units.

## 23.4 AREA REGULATIONS:

A. Size of Lots:
   1. Minimum Lot Size - Ten thousand (10,000) square feet
   2. Minimum Lot Width - Eighty feet (80')
   3. Minimum Lot Depth - One hundred fifty feet (150')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Ten feet (10'); all yards adjacent to a street shall be considered a front yard.
   2. Minimum Side Yard - Fifteen feet (15'); Twenty-five feet (25') adjacent to a public street or residential lot
   3. Minimum Rear Yard - Twenty-five feet (25')
   4. Adjacent to a Single-Family District – Any use other than residential which is over one (1) story in height shall observe a sixty-foot (60') setback from any single family zoning district.
   5. Residential structures constructed in this district shall conform to the standards set forth in the respective residential category. (i.e. Single-Family Residential Patio Homes (SF-PH) being built in a Local Retail District (LR) must adhere to the setbacks under Section 18, SF-PH). Land uses other than residential shall comply with the lot size and setbacks of this section.

C. Maximum Lot Coverage: Fifty percent (50%); including accessory buildings.

23.5 **SPECIAL DISTRICT REQUIREMENTS:**

A. Parking Requirements:

1. As required by Section 27, Off-Street Parking and Loading Requirements.

B. Open storage is prohibited.

C. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

E. All building facades facing a public street shall have at least fifty percent (50%) masonry, stone, brick, glass or other similar materials suitable for exterior construction, exclusive of doors and windows. Glass block may be counted as masonry for the purposes of this Section; wood, stucco and other similar exterior finish materials may be allowed with Site Plan approval only (see Section 12).

F. Building facade (i.e., elevation) plans shall be submitted for review and approval by the Building Inspector prior to construction. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The Building Inspector (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.

G. Landscaping shall equal at least ten percent (10%) of the total square footage of the lot.

H. Signage requirements shall be as set forth in the City of White Oak's Sign Ordinance Section 14-286.

I. All main buildings must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

J. Other Regulations - As established in the Development Standards, Sections 27 through 33.

## SECTION 24R/HC -- RETAIL (GENERAL) / HIGHWAY COMMERCIAL DISTRICT

### 24.1 GENERAL PURPOSE AND DESCRIPTION:

The R/HC, Retail (General) / Highway Commercial, district is established to provide areas for a mixture of land uses including office, retail, some types of commercial and entertainment uses, and highway-oriented uses, such as hotels, motels and restaurants, which should generally be located along high-volume thoroughfares. The characteristics of each development site should be designed in such a manner as to create an attractive appearance from the thoroughfare (i.e., along U.S. Highway 80). Because these areas are major thoroughfare entry points into White Oak, emphasis has been placed upon building arrangement, setbacks, parking and landscape treatment, which are elements that tend to influence the visual appeal of the City as viewed from the highway and which may help to attract visitors to the community. It is the intent of the R/HC zoning district to create a vibrant and attractive first impression of the community.

### 24.2 PERMITTED USES:

A. 1. Those uses specified in Section 26 (Use Charts).

### 24.3 HEIGHT REGULATIONS:

A. Maximum Height:
   1. Eight (8) stories, but limited to a maximum height of forty-five feet (45') on any portion of the site that is within three hundred feet (300') of any residentially zoned property (i.e., A, SF-12, SF-8, SF-5.5, SF-PH, 2F, MF-1, MF-2 or MH), a maximum height of thirty-five feet (35') within two hundred feet (200') of residential, and a maximum height of one (1) story within sixty feet (60') of residential.
   2. One (1) story for accessory buildings.

### 24.4 AREA REGULATIONS:

A. Size of Lot:
   1. Minimum Lot Area - Twelve thousand (12,000) square feet
   2. Minimum Lot Width - Ninety feet (90')
   3. Minimum Lot Depth - One hundred seventy-five feet (175')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard - Ten (10'); all yards adjacent to a street shall be considered a front yard.
   2. Minimum Side Yard - Ten feet (10'), unless adjacent to a residential area then the setback required would be Fifteen (15) feet.

   3. Interior Side Yards - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.

   4. Minimum Rear Yard - Ten feet (10)', unless adjacent to a Residential area then setback required is fifteen feet (15)'.

5. Adjacent to a Single-Family District – Any use other than residential which is over one (1) story in height shall observe a sixty-foot (60') setback from any single family zoning district.

6. Residential structures constructed in this district shall conform to the standards set forth in the respective residential category. (i.e. Single-Family Residential Patio Homes (SF-PH) being built in a Retail Highway Commercial District (R-HC) must adhere to the setbacks under Section 18, SF-PH). Land uses other than residential shall comply with the lot size and setbacks of this section.

C. Maximum Lot Coverage: Fifty percent (50%), including accessory buildings.

D. Parking Regulations:

1. As required by Section 27, Off-Street Parking and Loading Requirements.

24.5 **SPECIAL REQUIREMENTS:**

A. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

B. Building facade (i.e., elevation) plans shall be submitted for review and approval by the Building Inspector prior to construction. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The Building Inspector (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.

C. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

D. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 29 (i.e., cannot be visible from any public street or adjacent property). However, periodic display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods.

E. All building facades facing a public street shall have at least fifty percent (50%) masonry, stone, brick, glass or other similar materials suitable for exterior construction, exclusive of doors and windows. Glass block may be counted as masonry for the purposes of this Section; wood, stucco and other similar exterior finish materials may be allowed with Site Plan approval only (see Section 12).

F. Landscaping shall equal at least ten percent (10%) of the total square footage of the main building(s).

G. Signage requirements shall be as set forth in the City of White Oak's Sign Ordinance Section 14-286.

H. All main buildings must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

I. Other Regulations - As established in the Development Standards, Sections 27 through 33.

# SECTION 25 LI -- LIGHT INDUSTRIAL DISTRICT

## 25.1 GENERAL PURPOSE AND DESCRIPTION:

The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

## 25.2 PERMITTED USES:

A. The following uses are permitted in the LI district, provided that such light manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 31), at that point, and provided that such use does not create fire or safety hazards on surrounding property.

1. Those uses specified in Section 26 (Use Charts).

2. Light industrial, fabrication and manufacturing plants, including the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that no dust, odor, fumes, gas, smoke or noise is emitted.

3. Certain “low risk industrial/manufacturing” or “high risk or hazardous industrial” uses may be allowed only upon approval of the City Coordinator (or his/her designee) and the Fire Chief. In this district, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the City Coordinator (or his/her designee) and/or the Fire Chief, involves a much higher than average risk to public health and safety. These uses include, but are not limited to, facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored and/or disposed of.

## 25.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Occupied structures/buildings - Three (3) stories or forty-five feet (45'), but limited to a maximum height of thirty-five feet (35') on any portion of the site that is within two hundred feet (200') of any residentially zoned property (i.e., A, SF-12, SF-8, SF-5.5, SF-PH, 2F, MF-1, MF-2 or MH), and a maximum height of one (1) story within sixty feet (60') of residential.

2. Unoccupied structures (e.g., grain silos, private water towers/utility structures, communications antennae, etc.) - Sixty feet (60'); Where any structure over thirty-five feet (35') in height is to be constructed on a site that is adjacent (or in close proximity) to a residential zoning district (A, SF-12, SF-8, SF-5.5, SF-PH, 2F, MF-1, MF-2 or MH), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35'). (Also see Section 30.1.1 for communications antennae and support structures/towers.)

3. One (1) story for accessory buildings.

25.4 **AREA REGULATIONS:**

A. Size of Lot:
   1. Minimum Lot Area - Fifteen thousand (15,000) square feet
   2. Minimum Lot Width - One hundred feet (100')
   3. Minimum Lot Depth - Two hundred feet (150')

B. Size of Yards (all are measured from the property line):
   1. Minimum Front Yard – Ten feet (10'); all yards adjacent to a street shall be considered a front yard.
   2. Minimum Side Yard - Ten feet (10'), unless adjacent to a residential area then setback required would be fifteen feet (15)'.
   3. Minimum Rear Yard - Ten feet (10'), unless adjacent to a residential area then setback required would be fifteen feet (15)'.
   4. Adjacent to a Residential District - Any use other than residential which is over one (1) story in height shall observe a sixty-foot (60') setback from any single family zoning district.

C. Maximum Lot Coverage: Sixty-five percent (65%), including accessory buildings.

D. Parking Regulations:

   1. As established by Section 27, Off-Street Parking and Loading Requirements.

25.5 **SPECIAL REQUIREMENTS:**

A. Site plan review and approval shall be required, in accordance with the procedures set forth in Section 12 of this Ordinance.

B. Building facade (i.e., elevation) plans shall be submitted for review and approval by the Building Inspector prior to construction. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. The Building Inspector (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.

C. No permanent use of temporary buildings or dwellings.

D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

E. Landscaping shall equal at least ten percent (10%) of the total square footage of the main building(s).

F. Signage requirements shall be as set forth in the City of White Oak's Sign Ordinance Section 14-286.

G. All main buildings must be tied into the City sewer system. If City sewer is not available, the property owner must provide for some type of approved on-site sewage disposal system that is in conformance with County health regulations.

H. Other Regulations: As established in the Development Standards, Sections 27 through 33.

## SECTION 25A OVERLAY AND SPECIAL DISTRICTS

Overlay and special prefix districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect as it is already in existence unless changed by zoning amendment and in accordance with the provisions of Section 10. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

## SECTION 25B PD -- PLANNED DEVELOPMENT OVERLAY DISTRICT

### 25B.1 GENERAL PURPOSE AND DESCRIPTION:

A. The City Council of the City of White Oak, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.

B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

### 25B.2 PERMITTED USES:

A. An application for a PD district shall specify the base zoning district upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those proposed for the PD. PD designations shall not be attached to SUP requirements. Specific Use Provisions allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the base zoning district) in the ordinance establishing the PD.

B. In the case of residential PD districts, the proposed lot sizes shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.) except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

### 25B.3 PLANNED DEVELOPMENT REQUIREMENTS:

A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned Development district shall conform to all other regulations of the base zoning district, as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.

C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.

D. The minimum acreage for a planned development request shall be one (1) acre.

E. A detailed Site Plan shall be submitted for approval (in accordance with Subsection B below, and with Section 12 of this Ordinance) for all or some portion/lot of the Planned Development. The detailed Site Plan must be submitted for review and approval prior to any subsequent issuance of a building permit for any portion of the PD district.

F. **Site Plan (detailed)** - Submission and approval of the detailed Site Plan shall be (in accordance with Section 12 of this Ordinance), and shall accompany an application for Planned Development zoning The detailed Site Plan will establish the final plans for development of the Planned Development district (or any portion/lot thereof).

For any single- or two-family residential district (A, SF-12, SF-8, SF-5.5, SF-PH or 2F), a Preliminary Plat shall qualify as the detailed Site Plan.

25B.4 **APPROVAL PROCESS AND PROCEDURE:**

A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 10 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the detailed Site Plan (or Preliminary Plat for a residential PD) which is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying detailed Site Plan/Preliminary Plat.

B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until the accompanying Concept Plan or detailed Site Plan/Preliminary Plat is approved by the City Council, and until all other procedural requirements set forth in Section 10 are satisfied.

25B.5 When a zoning request for a Planned Development district is being considered, a written report from the City Administrator (or his/her designee) discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the School District and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments and advisement are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

25B.6 All Planned Development zoning districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning District Map.

## SECTION 25C SUP -- SPECIFIC USE PROVISIONS

### 25C.1 SPECIFIC USES:

The purpose of this overlay district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice (in accordance with the procedures set forth in Section 9) to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Provision (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a legal description and a survey (i.e., drawing) exhibit showing the property for which the SUP is being requested, and by a site plan (see Section 12) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The City Administrator (or his/her designee), Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed. The site plan shall be reviewed and approved along with the SUP zoning application, and in accordance with Section 12 of this Ordinance.

### 25C.2 SPECIFIC USE PROVISION REGULATIONS:

A. In recommending that a Specific Use Provision for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;

3. The nature of the use is reasonable;

4. Any negative impact on the surrounding area has been mitigated; and/or

5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

B. In granting a Specific Use Provision, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his/her designee, for use of the building on such property pursuant to such Specific Use Provision and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

C. No Specific Use Provision shall be granted unless the applicant, owner and grantee of the Specific Use Provision shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Provision, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

D. A building permit or certificate of occupancy shall be applied for and secured within one (1) year from the time of granting the Specific Use Provision, provided however, that the City Council may authorize an extension of up to one (1) additional year. After the one-year period (and the extension, if such has been granted by City Council) has elapsed, the current property owner must submit a new application and site plan for approval by the Planning and Zoning Commission and the City Council.

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

Minor changes or alterations may be approved by the City Administrator, or his/her designee.

F. The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Provision.

G. When the City Council authorizes granting of a Specific Use Provision, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by a "SUP", or "S" designation followed by the identification number assigned to that particular SUP (e.g., S-1, S-2, S-3, and so on). A list of all issued SUPs, showing the uses allowed and any other special stipulations of each SUP, shall be maintained as part of this Ordinance.

25C.3 **USE REGULATIONS:**

A. Uses allowed by SUP are specified in Section 35 (Use Charts).

25C.4 **PRIOR SUP ORDINANCES REMAINING IN EFFECT:**

Prior to adoption of this Ordinance, the City Council had established various SUPs, some of which are to be continued in full force and effect. The SUPs (or parts of SUPs) approved prior to this Ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective SUPs shown on the Zoning District Map as of the effective date of this Ordinance. Each prior SUP ordinance is hereby assigned a unique identification number and subsequent SUP ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

# IV. USE REGULATIONS

## SECTION 26 USE REGULATIONS (CHARTS)

26.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

| | |
|---|---|
| ● | Designates use permitted in the zoning district indicated. |
| S | Designates use may be permitted by SUP only in the zoning district indicated. |
| | Designates use prohibited (i.e., not allowed) in the zoning district indicated. |

See Definitions in the Appendix (A-1) for further description of uses identified with an asterisk (*).

B. If a use is not listed, it is not allowed in any zoning district.

C. **Use Chart Organization:**

1. Primary Residential Uses (Use Chart 26.2)
2. Accessory and Incidental Uses (Use Chart 26.3)
3. Utility and Service Uses (Use Chart 26.4)
4. Recreational and Entertainment Uses (Use Chart 26.5)
5. Education, Institutional, Public, and Special Uses (Use Chart 26.6)
6. Transportation Related Uses (Use Chart 26.7)
7. Automobile and Related Uses (Use Chart 26.8)
8. Office and Professional Uses (Use Chart 26.9)
9. Retail and Related Service Uses (Use Chart 26.10)
10. Commercial Uses (Use Chart 26.11)
11. Light Industrial and Related Uses (Use Chart 26.12)

D. **Classification of New/Unlisted Uses -** It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City of White Oak. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Sections 26.2 through 26.12) shall be made as follows:

1. **Initiation:**

   a. A person, City department, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.

   b. A person requesting the addition of a new or unlisted use shall submit to the City Coordinator, or his/her designee, all information necessary for the classification of the use, including but not limited to:

      (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

      (2) The type of product sold or produced under the use;

      (3) Whether the use has enclosed or open storage and the amount and nature of the storage;

      (4) Anticipated employment typically anticipated with the use;

      (5) Transportation requirements;

      (6) The nature and time of occupancy and operation of the premises;

      (7) The off-street parking and loading requirements;

      (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and

      (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.

2. The City Coordinator, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection B above. An amendment to this Ordinance shall be required as prescribed by Section 9.

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use.

The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section (i.e., following notification and public hearing, etc.).

5. Standards for new and unlisted uses may be interpreted by the City Coordinator, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above (Subsection b) shall be followed for determination of the appropriate district. The decision of the City Coordinator, or his/her designee, may be appealed according to the process outlined in Subsections 2 through 4 above.

**SECTION 26 LAND USE CHART**
**CITY OF WHITE OAK, TEXAS**

Legend for Interpreting Use Charts
● Designates Use Permitted in District indicated
S Designates Use may be permitted by Special Use Permit Only in District indicated
☐ Designates Use Prohibited in District indicated

***SEE APPENDIX A-3 FOR DEFINITIONS***

| **Section 26.2 PRIMARY RESIDENTIAL USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Assisted Living | | | | | | | ● | ● | | ● | ● | |
| Bed and Breakfast Inn or Facility | ● | S | S | S | S | S | S | S | | S | S | |
| Boarding or Rooming House | | | | | | | | ● | | | | |
| Community Home | ● | ● | ● | ● | ● | ● | ● | ● | | | | |
| Industrialized Home | ● | ● | ● | ● | ● | | | | ● | | | |
| Manufactured Home or HUD-Code Manufactured Home | | | | | | | | | ● | | | |
| Manufactured/ Mobile Home Park | | | | | | | | | S | | | |
| Mobile Home Subdivision | | | | | | | | | ● | | | |
| Multiple Family Dwelling (Apartment) | | | | | | | | ● | | | | |
| Multiple Family Dwelling (Triplex/Quadriplex) | | | | | | | ● | ● | | | | |
| Patio Home (Zero Lot Line Dwelling) | | | | | ● | ● | ● | ● | | | | |
| Private Street Subdivisions | | | | | | | | | | | | |
| Single Family Dwelling Attached (Townhouse) | ● | | | ● | ● | ● | ● | ● | | ● | ● | |
| Single Family Dwelling Detached | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | S | S |
| Two-Family Dwelling Duplex | S | | | | | ● | ● | ● | | ● | ● | |

| **Section 26.3 ACCESSORY & INCIDENTAL USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Accessory building – Non-Residential (Business or Industry) | | | | | | | | | | ● | ● | ● |
| Accessory building – (Residential) | ● | ● | ● | ● | ● | ● | ● | ● | ● | | | |
| Caretaker or Guard's Residence | ● | | | | | | ● | ● | ● | | S | S |
| Accessory building – Mother-in-law Quarters | **S** | S | S | S | S | S | S | S | | | | |
| Garage/Accessory Dwelling | ● | | | | | | | | | | | |
| Home Occupation | ● | ● | ● | ● | ● | | ● | ● | ● | | | |
| Off-Street Parking Incidental to Main Use | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Swimming Instructions as Home Occupation | **S** | **S** | **S** | **S** | **S** | **S** | **S** | **S** | **S** | | | |
| Swimming Pool (Private) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Temporary Field Office or Construction Yard or Office | SUBJECT TO TEMPORARY PERMIT ISSUED BY BUILDING OFFICIAL | | | | | | | | | | | |
| Tennis Court (Lighted) | **S** | **S** | **S** | **S** | **S** | **S** | ● | ● | **S** | ● | ● | ● |
| Tennis Court (No lights – Private) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
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| **Section 26.4 UTILITY, SERVICE & OTHER USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Animal Pound (Public) | ● | | | | | | | | | | | ● |
| Antenna (Non-Commercial) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Antenna (Commercial) | **See Section 30.1** | | | | | | | | | | | |
| Electrical Energy Generating Plat | | | | | | | | | | | | |
| Electrical Substation (High voltage bulk power) | | | | | | | | | | | | |
| Electrical Transmission Line (High voltage) | | | | | | | | | | | | |
| Farm, Ranch, Garden, Crops or Orchard | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Fire, Police or Municipal Buildings | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Franchised Private Utility (Not Listed) | | | | | | | | | | | | |
| Gas Line & Regulation Station | | | | | | | | | | | | |
| Local Utility Line | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Public Agency Building, Shop, Yard or Facility | | | | | | | | | | | ● | ● |
| Studio for Radio or Television | | | | | | | | | | | ● | ● |
| Sewage Pumping Station (Public) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Telephone Business Office | | | | | | | | | | ● | ● | ● |
| Telephone Exchange, Switching or Relay or Transmitting Station | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Utility Shops or Storage Yards or Buildings | | | | | | | | | | | | ● |
| Water Reservoir Well or Pumping Station | ● | S | S | S | S | S | S | S | S | ● | ● | ● |
| Water Stand Pipe or Elevated Water Storage (Private) | ● | S | S | S | S | S | S | S | S | ● | ● | ● |
| Water Treatment Plant (Private) | ● | S | S | S | S | S | S | S | S | ● | ● | ● |
| Municipal Facility or Use | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |

| **Section 26.5 RECREATIONAL & ENTERTAINMENT USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Amusement Arcade | | | | | | | | | | | | ● |
| Amusement Commercial (Indoor) | | | | | | | | | | | | ● |
| Amusement Commercial (Outdoor) | | | | | | | | | | | | ● |
| Ball Room Dancing | | | | | | | | | | | | ● |
| Carnival, Circus or Tent Service (Temporary) | **SUBJECT TO TEMPORARY PERMIT ISSUED BY CITY OF WHITE OAK.** | | | | | | | | | | | |
| Country Club (Private) | **S** | **S** | **S** | **S** | **S** | **S** | ● | ● | ● | ● | ● | ● |
| Day Camp for Children | ● | | | | | | | | | ● | | |
| Golf Course | **S** | **S** | **S** | **S** | **S** | **S** | ● | ● | ● | ● | ● | ● |
| Golf Driving Range | | | | | | | | | | | ● | ● |
| Park or Playground (Private) Non Commercial | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Park or Playground (Public) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Playfield or Stadium | | | | | | | | | | ● | ● | ● |
| Private Clubs | | | | | | | | | | | S | S |
| Rodeo Grounds | | | | | | | | | | | | |
| Roller or Ice Rink | | | | | | | | | | | ● | ● |
| RV Park | | | | | | | | | **S** | | | |
| Stable (Private) | ● | **S** | | | | | | | | | | ● |
| Stable (Commercial) | ● | | | | | | | | | | | **S** |
| Swimming Pool (Commercial) | | | | | | | | | | | ● | ● |
| | | | | | | | | | | | | |
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| RECREATIONAL & ENTERTAINMENT USES | Agriculture | Single-Family Residential | | | | | Multi-Family District | | Manufactured Home | Local Retail | Retail/ Highway Commercial | Light Industrial |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
| Swim, Tennis or Handball Club | S | S | S | S | S | S | ● | ● | ● | ● | ● | ● |
| Theatre (Open Drive-In) | | | | | | | | | | ● | ● | ● |
| Theater or Playhouse (Indoor) | | | | | | | | | | ● | ● | ● |
| Zoo (Private) | | | | | | | | | | ● | ● | ● |
| Zoo (Public) | | | | | | | | | | ● | ● | ● |

| **Section 26.6 TRANSPORTATION RELATED USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Airport or Landing Field | | | | | | | | | | | ● | ● |
| Bus Station or Terminal | | | | | | | | | | | | ● |
| Hauling or Storage Company W/Outside Storage | | | | | | | | | | | | ● |
| Heliport | S | | | | | | | | | S | **S** | **S** |
| Helistop | **S** | | | | | | | | | **S** | **S** | **S** |
| Motor Freight Company | | | | | | | | | | | | ● |
| Parking Lot or Structure (Commercial) Auto | | | | | | | | | | | ● | ● |
| Parking Lot, Trucks and Trailers | | | | | | | | | | | | ● |
| Tractor Sales | | | | | | | | | | | ● | ● |
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| **Section 26.7 AUTOMOBILE & RELATED USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Auto Accessory Installation, Minor | | | | | | | | | | S | ● | ● |
| Auto Financing & Leasing (No outdoor lot or display) | | | | | | | | | | ● | ● | ● |
| Auto Glass, Seat Cover/Upholstery & Muffler Shop | | | | | | | | | | S | ● | ● |
| Auto Laundry or Car Wash (Attended) | | | | | | | | | | ● | ● | ● |
| Auto Laundry or Car Wash (Unattended) | | | | | | | | | | ● | ● | ● |
| Automotive Gasoline or Motor Fuel Service Station | | | | | | | | | | ● | ● | ● |
| Auto Painting or Body Rebuilding Shop | | | | | | | | | | | ● | ● |
| Auto Parts & Accessory Sales (Indoor) | | | | | | | | | | ● | ● | ● |
| Auto Rental | | | | | | | | | | ● | ● | ● |
| Auto Repair | | | | | | | | | | S | ● | ● |
| Auto Storage or Auto Auction | | | | | | | | | | | | S |
| Boat Sales | | | | | | | | | | | ● | ● |
| Motorcycle Sales & Repair | | | | | | | | | | S | ● | ● |
| New Auto Sales (Used Car Sales as Accessory only) | | | | | | | | | | S | ● | ● |
| Quick Oil Change Business | | | | | | | | | | | ● | ● |
| RV/Camper Sales | | | | | | | | | | | S | ● |
| Tire Dealership | | | | | | | | | | | ● | ● |
| Trailer or Truck Rental | | | | | | | | | | | S | ● |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

| **AUTOMOBILE & RELATED USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Trailer & Heavy Load Vehicle Repair | | | | | | | | | | | | ● |
| Used Auto Sales | | | | | | | | | | | ● | ● |
| Window Tinting, Auto | | | | | | | | | | ● | ● | ● |
| Wrecking Yard (Auto Salvage) | | | | | | | | | | | | S |
| Wrecking Service | | | | | | | | | | | | S |

| **Section 26.8 EDUCATIONAL, INSTITUTIONAL & SPECIAL USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Art Gallery or Museum | | | | | | | | | | ● | ● | ● |
| Assisted Living Facility | | | | | | | ● | ● | | S | S | S |
| Cemetery, Animal | | | | | | | | | | | | |
| Cemetery or Mausoleum | | | | | | | | | | | ● | ● |
| Child Care Center/Day Care Center | | | | | | | S | S | S | S | S | S |
| Church, Rectory or Temple | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| College or University | | | | | | | | | | ● | ● | ● |
| Community Center (Public) | | | | | | | | | | | | |
| Continuing Care Retirement Community | | | | | | | ● | ● | | S | S | S |
| Covent or Monastery | | | | | | | ● | ● | | ● | ● | ● |
| Fairgrounds or Exhibition Area | | | | | | | | | | | | |
| Family Home (Childcare) | S | S | S | S | S | S | S | S | S | | | |
| Fraternal Organization, Lodge Union Hall or Civic Club | | | | | | | | | | | ● | ● |
| | | | | | | | | | | | | |
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| EDUCATIONAL, INSTITUTIONAL & SPECIAL USES | Agriculture | Single-Family Residential | | | | | Multi-Family District | | Manufactured Home | Local Retail | Retail/ Highway Commercial | Light Industrial |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
| Group Day Care Home | | | | | | | | | | ● | | |
| Hospital (Acute Care) | S | | | | | | S | S | | S | ● | ● |
| Hospital (Chronic Care) | S | | | | | | S | S | | S | ● | ● |
| Institution for Alcoholic, Narcotic or Psychiatric Patients | | | | | | | | | | | S | S |
| Institution of Religious & Charitable or Philanthropic Nature | | | | | | | | | | ● | ● | ● |
| Kindergarten or Nursery School (Private) | | | | | | | S | S | S | S | | |
| Non-profit Activities by a Church | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Rehabilitation Care Facility (Halfway House) | | | | | | | | | | | | |
| Retirement Housing for the Elderly | S | S | S | S | S | ● | ● | ● | | S | S | S |
| School, Business | | | | | | | | | | S | ● | ● |
| School, Commercial Trade | | | | | | | | | | S | ● | ● |
| School, Driving/Defensive Driving | | | | | | | | | | S | ● | ● |
| School, Private (Primary or Secondary) | | | | | | | | | | S | ● | ● |
| School, Public or Parochial | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Seasonal Uses (Temporary) | ● | | | | | | | | | | | ● |
| Skilled Nursing Facility | | | | | | | ● | ● | | S | S | S |

| **Section 26.9 OFFICE & PROFESSIONAL USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Accountant or Bookkeeping Office | | | | | | | | | | ● | ● | ● |
| Armed Services Recruiting Center | | | | | | | | | | ● | ● | ● |
| Architects Office | | | | | | | | | | ● | ● | ● |
| Bank, Savings & Loan or Credit Union | | | | | | | | | | ● | ● | ● |
| Check Cashing Service & Loan Agency | | | | | | | | | | **S** | ● | ● |
| Dental Clinic, Laboratory or Office | | | | | | | | | | ● | ● | ● |
| Medical Clinic or Office | | | | | | | | | | ● | ● | ● |
| Medical Laboratory | | | | | | | | | | **S** | ● | ● |
| Minor Medical Emergency Clinic | | | | | | | | | | ● | ● | ● |
| Mortgage & Loan Agency | | | | | | | | | | ● | ● | ● |
| Offices, General Business and Professional | | | | | | | | | | ● | ● | ● |
| Optician or Optometrist | | | | | | | | | | ● | ● | ● |
| Radio or Television Broadcasting without Tower | | | | | | | | | | ● | ● | ● |
| Real Estate Office | | | | | | | | | | ● | ● | ● |
| Telemarketing Agency/Center | | | | | | | | | | ● | ● | ● |
| | | | | | | | | | | | | |
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| **Section 26.10 RETAIL & SERVICES USES** | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Drapery, Needlework or Weaving Shop | | | | | | | | | | ● | ● | ● |
| Drug Store or Pharmacy | | | | | | | | | | ● | ● | |
| Florist Shop | | | | | | | | | | ● | ● | |
| Food Store | | | | | | | | | | ● | ● | ● |
| Food Vendor, Mobile | | | | | | | | | | | | |
| Funeral Home or Mortuary | | | | | | | | | | ● | ● | ● |
| Furniture, Home Furnishings & Appliance Store | | | | | | | | | | ● | ● | ● |
| Garden Shop | | | | | | | | | | ● | ● | |
| Greenhouse or Plant Nursery w/Outside Display of Plants (Retail Sales) | | | | | | | | | | ● | ● | ● |
| Handcraft Shop & Art Objects Sales | | | | | | | | | | ● | ● | |
| Hardware Shop | | | | | | | | | | ● | ● | ● |
| Hobby Shop | | | | | | | | | | ● | ● | ● |
| Household Appliance Service | | | | | | | | | | | **S** | ● |
| Ice Cream/Yogurt Sales | | | | | | | | | | ● | ● | ● |
| Incidental or Accessory Retail or Service Uses | | | | | | | | | | ● | ● | ● |
| Key Shop | | | | | | | | | | ● | ● | ● |
| Laundromat (or Self-Service Washateria) | | | | | | | | | | **S** | **S** | ● |
| Medical Appliances, Fitting, Sales or Rental | | | | | | | | | | ● | ● | ● |
| Mini-Warehouse | | | | | | | | | | S | ● | ● |
| Pawn Shop | | | | | | | | | | | S | ● |
| Pet Shop & Grooming | | | | | | | | | | ● | ● | ● |

| RETAIL & SERVICES USES CONT. | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recycling Kiosk | | | | | | | | | | | | ● |
| Restaurant with Drive-Thru Service | | | | | | | | | | S | S | S |
| Restaurant or Cafeteria (No Drive-Thru Service) | | | | | | | | | | ● | ● | ● |
| Restaurant or Eating Place (Drive-In Service) | | | | | | | | | | S | ● | ● |
| Retail Shop, Apparel, Gift, Accessory and Similar Items | | | | | | | | | | ● | ● | |
| Security Systems Installation Company | | | | | | | | | | ● | ● | ● |
| Silk Screening Studio or Tee Shirt Shop | | | | | | | | | | ● | ● | ● |
| Studio, Decorator, Artist, Photographer | | | | | | | | | | ● | ● | ● |
| Recycling Kiosk | | | | | | | | | | | | ● |
| Restaurant with Drive-Thru Service | | | | | | | | | | S | S | S |
| Restaurant or Cafeteria (No Drive-Thru Service) | | | | | | | | | | ● | ● | ● |
| Restaurant or Eating Place (Drive-In Service) | | | | | | | | | | S | ● | ● |
| Retail Shop, Apparel, Gift, Accessory and Similar Items | | | | | | | | | | ● | ● | |
| Security Systems Installation Company | | | | | | | | | | ● | ● | ● |
| Silk Screening Studio or Tee Shirt Shop | | | | | | | | | | ● | ● | ● |
| Studio, Decorator, Artist, Photographer | | | | | | | | | | ● | ● | ● |

| RETAIL & SERVICES USES CONT. | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Studio, Health, Fitness, or Similar Services/Establishment | | | | | | | | | | ● | ● | ● |
| Studio, Music Dance or Drama | | | | | | | | | | ● | ● | ● |
| Studio, Tattoo Body Piercing | | | | | | | | | | | | |
| Tool, and Light Equipment Rental (Indoor) | | | | | | | | | | S | ● | ● |
| Travel Bureau or Travel Consultant | | | | | | | | | | ● | ● | ● |
| Trophy Sales & Engraving | | | | | | | | | | ● | ● | ● |
| Used Merchandise or Second Hand Thrift Store | | | | | | | | | | | S | ● |
| Used Merchandise or Second Hand Thrift Store (Non-profit) | | | | | | | | | | | S | ● |
| Vacuum Sales & Repair | | | | | | | | | | ● | ● | ● |
| Variety Store or Similar Retail Outlet | | | | | | | | | | ● | ● | |
| Veterinarian Hospital (Inside Animal Pens Only) | ● | | | | | | | | | S | ● | ● |
| Veterinarian Hospital (Outside Animal Pens) | ● | | | | | | | | | | S | ● |
| Veterinarian Office Only (No Animal Hospital) | | | | | | | | | | ● | ● | ● |
| WallPaper, Flooring & Carpet Store | | | | | | | | | | S | ● | ● |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

| **Section 26.11 COMMERCIAL USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Ambulance Service | | | | | | | | | | S | ● | ● |
| Bakery or Confectionary (Wholesale or Commercial) | | | | | | | | | | | S | ● |
| Book Binding | | | | | | | | | | | | ● |
| Bottling Works | | | | | | | | | | | | ● |
| Cabinet Shop | | | | | | | | | | | S | ● |
| Clothing or Similar Light Manufacturing | | | | | | | | | | | | ● |
| Contractor Shop w/Outside Storage Yard | | | | | | | | | | | | ● |
| Distribution Center | | | | | | | | | | | S | ● |
| Drapery or Furniture Upholstery Shop | | | | | | | | | | S | S | ● |
| Dying or Laundry Plant (Commercial) | | | | | | | | | | | | ● |
| Equipment Rental (Heavy) | | | | | | | | | | | S | ● |
| Electrical Supply/Repair | | | | | | | | | | S | ● | ● |
| Equipment Sales (New or Used) | | | | | | | | | | | S | ● |
| Feed & Grain Store | | | | | | | | | | ● | ● | ● |
| Food Processing Plant | | | | | | | | | | | | |
| Furniture Manufacture & Refinishing Shop | | | | | | | | | | | | ● |
| Heating & Air Conditioning Sales | | | | | | | | | | S | ● | ● |
| Heavy Machinery Sales/Storage | | | | | | | | | | | S | ● |
| Kennel (Indoor Pens) | | | | | | | | | | | ● | ● |
| Kennel (Outdoor Pens) | | | | | | | | | | | | ● |
| Laboratory Equipment Manufacturing | | | | | | | | | | | | ● |

| COMMERCIAL USES CONT, | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maintenance & Repair Service for Buildings | | | | | | | | | | | | ● |
| Manufactured or Industrialized Home Sales (New or Used) | | | | | | | | | | | | ● |
| Milk Depot, Dairy or Ice Cream Plant | | | | | | | | | | | | ● |
| Motel or Hotel (Less than 78 Rooms) | | | | | | | | | | | ● | ● |
| Motel or Hotel (Over 78 Rooms) | | | | | | | | | | | ● | ● |
| Newspaper Printing | | | | | | | | | | | S | S |
| Office Showroom | | | | | | | | | | ● | ● | ● |
| Office Warehouse | | | | | | | | | | S | ● | ● |
| Open Storage, Display, or Work Areas for Merchandise or Machinery | | | | | | | | | | | | ● |
| Paint Shop | | | | | | | | | | | | ● |
| Plumbing Shop | | | | | | | | | | S | ● | ● |
| Portable Building Sales (Outdoor Display) | | | | | | | | | | | ● | ● |
| Printing Company | | | | | | | | | | | ● | ● |
| Propane Sales (Retail) | | | | | | | | | | | ● | ● |
| Storage or Wholesale Warehouse | | | | | | | | | | | ● | ● |
| Taxidermist | | | | | | | | | | | **S** | ● |
| Tinsmith/Sheet Metal Shop | | | | | | | | | | | | ● |
| Truck Stop | | | | | | | | | | | | |
| Welding or Machine Shop | | | | | | | | | | | **S** | ● |
| Radiator Shop | | | | | | | | | | | ● | ● |

| **Section 26.12 INDUSTRIAL & RELATED USES** | **Agriculture** | **Single-Family Residential** | | | | | **Multi-Family District** | | **Manufactured Home** | **Local Retail** | **Retail/ Highway Commercial** | **Light Industrial** |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **INDUSTRIAL & RELATED USES** | **AG** | **SF-12** | **SF-8** | **SF-5.5** | **SF-PH** | **2F** | **MF-1** | **MF-2** | **MH** | **LR** | **R/HC** | **LI** |
| Animal Rendering Plant | | | | | | | | | | | | |
| Any use which could potentially create a problem to the environment due to emissions, visual , quality, odor, noise, hazard or similar factors | | | | | | | | | | | | |
| Cement or Hydrated Lime Plant | | | | | | | | | | | | |
| Concrete or Asphalt Batching Plant (Permanent) | | | | | | | | | | | | **S** |
| Concrete or Asphalt Batching Plant (Temporary) | **Permitted with permit by Building Official for a maximum of six (6) months, and with a maximum of one (1) six-month extension** | | | | | | | | | | | |
| Diesel engine Sales/Service | | | | | | | | | | | **S** | ● |
| Generator Sales/Service | | | | | | | | | | | S | ● |
| High risk or hazardous industrial manufacturing not wholly enclosed within the building | | | | | | | | | | | | |
| High risk or hazardous industrial manufacturing wholly enclosed within the building | | | | | | | | | | | | |
| Light manufacturing or industrial use as defined in Appendix A-3 | | | | | | | | | | | | ● |
| Low Risk Industrial Manufacturing not wholly enclosed within a building | | | | | | | | | | | | |
| Low Risk Industrial Manufacturing wholly enclosed within a building | | | | | | | | | | | | |
| Oilfield Equipment Sales/Service | | | | | | | | | | | **S** | ● |
| Pack & Mail | | | | | | | | | | ● | ● | ● |
| Petroleum Distribution/Storage/ Wholesale Facilities | | | | | | | | | | | | **S** |
| Salvage Reclamation or Recycling of Materials | | | | | | | | | | | | |
| Sand, Gravel or Stone Extraction or Storage | | | | | | | | | | | **S** | **S** |

| INDUSTRIAL & RELATED USES CONT. | AG | SF-12 | SF-8 | SF-5.5 | SF-PH | 2F | MF-1 | MF-2 | MH | LR | R/HC | LI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sexually Oriented Business | **See Separate Ordinance - City of White Oak, Code of Ordinances, Section 18-141** | | | | | | | | | | | |
| Sign Shop | | | | | | | | | | | ● | ● |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

# DEVELOPMENT STANDARDS

## SECTION 27 OFF-STREET PARKING AND LOADING REQUIREMENTS

### 27.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

### 27.2 RESIDENTIAL DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

A. Required off-street parking shall be provided on the same site as the use it is to serve unless otherwise approved by the City Coordinator or his/her designee.

B. All vehicle parking shall be on a suitably paved parking surface, which shall consist of concrete, asphalt, or a similar material. All driveways and approaches to parking spaces shall be similarly paved, except in the A district. All residential lots shall also have some type of car covering (i.e. garage, carport, etc.) located behind the front building setback line and behind the side setback line if located on a corner lot.

C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).

### 27.3 NONRESIDENTIAL AND MF DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 31.

B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 27.10 (Fire Lanes).

C. All required off-street parking, maneuvering, loading and storage areas shall be paved with a hard surface such as asphalt, concrete, or other paving material as approved by the City Coordinator, or his/her designee (i.e., no parking shall be permitted on grass, gravel, within landscaped areas, or on other unimproved surfaces).

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

D. Each standard off-street surface parking area shall be designed in accordance with the following standards for overall layout and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

1. Standard: Nine feet (9') by eighteen feet (18')

2. Parallel: Eight feet (8') by twenty-two feet (22')

E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g. curb, wheel stop, etc.) installed so as to prevent parked vehicles from overhanging a public right of way line, public sidewalk, or adjacent private property. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.

F. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.

G. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).

H. In all nonresidential, duplex and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

I. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Coordinator, or his/her designee.

J. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.

2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.

3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.).

One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).

4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.

5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.

8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

## 27.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks on-site (i.e., no backing or maneuvering may occur on a street or public alley). Each site shall provide a designated on-site loading and maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

| Total Square Feet of Gross Floor Area in Structure | Minimum Required Spaces or Berths |
|---|---|
| 0 to 10,000 square feet | None |
| 10,001 to 50,000 square feet | 1 |
| 50,001 to 100,000 square feet | 2 |
| 100,001 to 200,000 square feet | 3 |
| Each additional 100,000 square feet | 1 additional |

B. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.

C. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow passby or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

## 27.5 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:

A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.

B. In all districts (except single-family and duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Coordinator, or his/her designee.

C. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

## 27.6 PARKING REQUIREMENTS BASED UPON USE:

A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

1. Apartment Complex - 1.75 spaces for each efficiency or 1 bedroom unit, 2 spaces for each 2 bedroom unit, 2.5 spaces for each 3 bedroom unit, 3 spaces for each 4 or more bedroom unit

2. Automobile parts sales (indoors): One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.

3. Automobile sales or service: See Motor-Vehicle Sales

4. Bank, savings and loan, or similar institution: One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 27.3 J.)

5. Bed and breakfast facility: One (1) space per guest room in addition to the requirements for a normal residential use and one per employee, per shift.

6. Bowling alley or center: Four (4) parking spaces for each alley or lane

7. Bus or truck repair, storage area, or garage: One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces

8. Business or professional office (general): One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified herein

9. Car wash (self-serve): One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; Car wash (full service): One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 27.3 J.)

10. Church, rectory, or other place of worship: One (1) parking space for each four (4) seats in the main auditorium/sanctuary (see Subsection 27.7(B))

11. College or university: One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers)

12. Commercial amusement (indoor): One (1) space per one-hundred fifty (150) square feet of gross floor area, or as follows:

    a. Racquetball or handball courts - Three (3) spaces for each court

    b. Indoor tennis courts - Three (3) spaces for each court

    c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet

    d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area

    e. Weight lifting or exercise areas - One (1) space for each two hundred (200) square feet

    f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet

    g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3½) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 27.7(B))

    h. Amusement Center - One (1) space per one thousand (1,000) square feet

    i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses

13. Commercial amusement (outdoor): Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area

14. Commercial use: One (1) space per two hundred fifty (250) square feet of floor area

15. 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 (see Subsection 27.7(B))

16. Convenience store (with gasoline pumps): One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

17. Dance/aerobics studio, or assembly/exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area thereof

18. Day nursery, day care center: One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle)

19. Defensive driving school/class: One (1) space for each classroom seat (see Subsection 27.7(B))

20. Fraternity, sorority or dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off-campus projects

21. Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: 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) square feet

22. Gasoline station: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

23. Golf course: One (1) parking spaces per three (3) holes or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees

24. Golf driving range: One space for each driving tee

25. Health club, health spa or exercise club: One (1) space per one hundred fifty (150) square feet of floor area

26. Hospital: One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.

27. Hotel or Motel: One (1) space per room for the first two hundred fifty (250) rooms, plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus one (1) space for each employee.

28. Industrial (light) uses: One-half (1.5) space for each one thousand (1,000) square feet of floor area (one space per 300 square feet for office/administrative areas)

29. Institutions of a philanthropic nature: Ten (10) spaces plus one (1) space for each employee

30. Library or museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet

31. Lodge or fraternal organization: One (1) space per two hundred (200) square feet

32. Lumber yard/home improvement center: One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse

33. Machinery or heavy equipment sales: One (1) space per five hundred (500) square feet of gross floor area

34. Manufactured/mobile home or manufactured/mobile home park: Two (2) spaces for each manufactured/mobile home unit, plus visitor/supplemental parking in accordance with Subsection 22.4(B), plus additional spaces as required herein for accessory uses

35. Manufacturing, processing or repairing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater

36. Medical or dental office: One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

37. Mini-warehouse: Four (4) spaces per establishment plus (1) one additional space per ten thousand (10,000) square feet of storage area

38. Mortuary or funeral home: One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 27.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

39. Motor-vehicle sales and new or used car lots: One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).

40. Nursing home, convalescent home, or home for the aged: One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.

41. Office (administrative or professional): One (1) space for each three hundred (300) square feet of floor area

42. Outdoor display: One (1) space for each six hundred (600) square feet of open sales/display area

43. Places of public assembly not listed: One (1) space for each three (3) seats provided (see Subsection 27.7(B))

44. Real estate office: One (1) space for each two hundred (250) square feet

45. Restaurant, private club, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities (see Subsection 27.3 J.)

46. Retail or personal service establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 27.3 J.)

47. Retirement housing for the elderly (independent living): One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses

48. Rooming or boarding house: One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift

49. Sanitarium or similar institution: One (1) parking space for each six (6) beds, plus one (1) parking space for every two (2) employees at maximum (i.e., peak) shift and full occupancy

50. School, elementary (grades K-6): One (1) parking space for each fifteen (15) students (design capacity)

51. School, secondary or middle (grades 7-8): One (1) parking space for each twelve (12) students (design capacity)

52. School, high school (grades 9-12): One space for each three (3) students, faculty and staff (design capacity)

53. Storage or warehousing: One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater

54. Telemarketing: One (1) space for each two hundred and fifty (250) square feet of floor space

55. Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium): One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 27.7(B))

56. Truck stop/travel center: One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of retail/service building area (plus one space per one hundred square feet of restaurant/café floor area, if provided)

57. Veterinarian clinic: One (1) space per three hundred (300) square feet of gross floor space.

58. Warehouse or wholesale type uses: One (1) space for five thousand (5,000) square feet of gross floor area.

## 27.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES:

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

A. "Floor Area" shall mean the gross floor area of the specific use.

B. "Seat" shall be interpreted as follows:

1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and

2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).

C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.

D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the City Coordinator, or his/her designee, in accordance with the requirements for the most closely related use specified in this Section.

E. Whenever a building or use 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.

F. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.

G. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the City Coordinator, or his/her designee. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of White Oak.

## 27.8 LOCATION OF PARKING SPACES:

All parking spaces required 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 five hundred (500) feet from any nonresidential building served.

B. 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, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:

a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or

b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

## 27.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

## 27.10 FIRE LANES:

A. Fire lanes shall be provided in all multi-family (and in some single-family attached), manufactured home, and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Ordinance for certain fire lane regulations). Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14').

## SECTION 28 ACCESSORY STRUCTURES AND USE REGULATIONS

28.1 In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.

28.2 In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property.

28.3 Accessory structures shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:

A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.

B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit.

C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

D. Accessory structures are not permitted without the main or primary structure.

E. Metal accessory storage buildings less than two hundred and eighty (280) square feet are permitted but shall not be used as an enclosed parking area or garage for any lot that is eight thousand (8,000) square feet or less in size. For lots greater than 8,000 square feet in size, metal accessory buildings shall not exceed three and one-half percent (3.5%) of the total lot area.

28.4. Setback and Height requirements for **enclosed** accessory structures shall be as follows:

Front Yard: Accessory buildings shall be prohibited in front of the main building.

Separation: No closer than ten feet (10') to the main building or the accessory structure shall be regarded as part of the main building for the purpose of determining the side and rear yards.

Side/Rear Yard: Shall not be nearer than three feet (3') from any side or rear lot line.

Side Street Yard: An accessory building located within twenty-five feet (25') of the rear lot line on corner lots shall not be closer than twenty-five (25') from the side street.

Height: Shall not exceed twenty-four (24') in height.

Setback and Height requirements for **unenclosed** accessory structures (such as carports) shall be as follows:

Front Yard: Accessory structures shall be prohibited in front of the main building.

Side/Rear Yard: Shall not overhang any side or rear lot line.

Side Street Yard: An accessory structure located on a corner lot shall not be closer than ten feet (10') from the side street.

Height: Shall not exceed fifteen feet (15') in height.

Measurement: Carports shall be measured from the posts supporting the roof nearest to the street or alley.

28.5 Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted with the issuance of a Special Use Permit in residential zoning districts (see regulations for the specific district, and the Use Charts, Section 26), and shall conform to the height limitations of the main structure. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

# SECTION 29 FENCING, WALLS AND SCREENING REQUIREMENTS

## 29.1 PURPOSE:

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

## 29.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED/MOBILE HOME PARKS:

A. In the event that multi-family, non-residential uses, or manufactured/mobile home parks side or back upon a single-family, two-family or other residential zoning district, or in the event that any non-residential district sides or backs upon a multiple-family district, a solid brick/masonry or wood screening wall/fence of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

   1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district. This construction requirement applies only when multi-family is adjacent to residential uses.

   2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

   3. Any screening wall or fence required under the provisions of this Section or other City requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

B. All required screening walls shall be equally finished on both sides of the wall.

C. Open storage of materials, commodities or equipment (see Section 26, Zoning Districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall. (See definition of outside storage.)

D. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

   1. Solid masonry (brick, concrete block or concrete panels)
   2. Chain link with solid landscape screening
   3. Wrought iron with solid landscape screening
   4. Solid wood fence
   5. Alternate equivalent screening may be approved through the site plan approval process under Section 12.

   No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') in height shall only be allowed with site plan approval.

E. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the City Coordinator (or his/her designee) for review and approval prior to construction of said screening/fencing.

F. All areas where dismantled vehicles, or vehicles stored for repair, are located or stored shall be screened in accordance with Subsection (D.) above.

29.3 **FENCES IN RESIDENTIAL AREAS:**

A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

B. Except as provided by (C) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot. No fence shall be erected in any front yard or side yard which is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.

C. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding three feet (3') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing

E. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over one (1) acres in size.

F. Gates designed for vehicular access shall be set back from the property line a minimum of twenty-five feet (25').

G. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of White Oak’s codes/ordinances pertaining to same.

H. Special purpose fencing, such as fencing around tennis courts, is permitted.

# SECTION 30 SUPPLEMENTAL REGULATIONS

## 30.1 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

Telecommunication towers and commercial antennas may be allowed in any district only with a Specific Use Provision.

A. No Commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures exceeding fifty feet (50') in height, or to antennae place wholly within or mounted upon a building.

B. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards (see Illustration 8).

C. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.

D. Satellite dishes and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not extend over twelve feet (12') above the roof of the building. Any parabolic or satellite dish antenna over three feet (3') in diameter, but not exceeding twelve feet (12') in diameter, may be mounted on the roof if a letter certifying the roof's/building's structural stability is written and sealed by a registered architect or engineer and submitted to the City Coordinator, or his/her designee. Roof-mounted antennae that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.

E. Only one (1) satellite dish shall be permitted per residential lot or primary structure, except that a maximum of two (2) dishes shall be allowed if both units are three feet (3') or less in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the City Coordinator, or his/her designee.

F. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and FCC shall be prohibited on any antenna or antenna support structure.

G. All publicly owned antennae or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.).

Violations of this ordinance shall be punishable by fine in accordance with Section 36 of the Zoning Ordinance of the City of White Oak, Texas.

## 30.2 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

## 30.3 OPEN STORAGE AREAS:

Open storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Appendix A-1).

## 30.4 SIGHT VISIBILITY:

A. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of two (2) or more public rights-of-way (e.g., streets or alleys) occurs, a triangular visibility area shall be created, as follows:

   1. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides (see Illustration 12).

   2. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private nonresidential or multi-family driveway onto a public road) shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides (see Illustration 12).

# SECTION 31 LIGHTING AND GLARE STANDARDS

## 31.1 PURPOSE:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

## 31.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half (½) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity:

   a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.

   b. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. Height:

   a. On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty-five feet (35').

   b. On tracts or lots less than three (3) acres, the maximum height of poles with lights is thirty-five feet (35').

   c. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on a site plan.

## 31.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:

A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.

2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

## 31.4 LUMINAIRES:

A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 32.5 below.

## 31.5 SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:

A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

# SECTION 32 HOME OCCUPATION REGULATIONS

## 32.1 **PURPOSE:**

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

## 32.2 **SPECIAL PROVISIONS FOR HOME OCCUPATIONS:**

A. Home occupations shall be permitted as accessory use in single-family residential zoning districts (i.e., A, SF-12, SF-8, SF-5.5, SF-PH, 2F and MH) provided that they comply with all restrictions herein;

B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;

C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);

D. The occupation shall not employ persons who are not a member of the household in which the home occupation occurs;

E. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;

F. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;

G. One commercial vehicle, capacity of two ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;

H. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

I. There shall be no outside storage, including trailers, or outside display related to the home occupation use;

J. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

K. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;

L. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;

M. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;

N. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and

O. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

## 32.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

## 32.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 33.2 above, home occupations may include the following uses:

A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

B. Author, artist or sculptor;

C. Dressmaker, seamstress or tailor;

D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;

E. Individual tutoring and home schooling;

F. Millinery;

G. Office facility of a minister, rabbi, priest or other clergyman;

H. Home crafts, such as rug weaving, model making, etc.;

I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

L. Registered Family Homes (see definition in Appendix A-1), in compliance with applicable State laws, which are incorporated herein by reference, with no more than four (4) children;

M. Barber shop/beauty salon or manicure studio, provided that no more than one customer is served at a time;

N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and

O. Bed and Breakfast Facility (see definition in Appendix A-1), provided that no more than five (5) guests are accommodated/served at a time.

32.5 **USES PROHIBITED AS HOME OCCUPATIONS:**

Home occupations shall not, in any event, be deemed to include the following uses:

A. Animal hospitals or clinics, commercial stables, or kennels;

B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;

C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;

D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;

G. Commercial clothing laundering or cleaning;

H. Mortuaries or funeral homes;

I. Trailer, vehicle, tool or equipment rentals;

J. Repair shops or services, except as specifically provided in Section 33.4 above;

K. Drapery or furniture upholstery shops;

L. Antique, gift or specialty shops;

M. Repair shops for any items having internal combustion engines; and

N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

32.6 **HOME OCCUPATION USES NOT CLASSIFIED:**

A. Any use that is not either expressly allowed nor expressly prohibited by Sections 33.4 and 33.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the White Oak City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

32.7 **EFFECT OF SECTION 32 UPON EXISTING HOME OCCUPATIONS:**

A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his/her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Subsection A above.

## SECTION 33 OFF-PREMISE ADVERTISING (BILLBOARD) SIGN REGULATIONS

33.1 PURPOSE:

The purpose of regulating billboard signs is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor billboard advertising signs; to protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment and to promote White Oak as a distinctive community.

33.2 GENERAL PROVISIONS

A. No such billboard sign may be erected prior to obtaining a building permit. Permits for permanent signs shall only be granted to the owner(s) or the agent of the property upon which the sign(s) will be installed.

B. No such sign may be permitted to be displayed in any district other than those zoned R/HC Retail (General)/Highway Commercial District and LI Light Industrial District.

C. No such sign shall be located closer than one thousand five hundred (1,500) feet from another off-premise advertising sign along the same roadway frontage.

D. All such signs shall not be allowed to overhang the public right-of-way and must reserve sufficient space on the lot for maintenance purposes.

E. Dimension Requirements: All billboards shall adhere to the following.

Maximum Height – Thirty five feet (35)
Measured from the highest point of the sign to ground level.

Maximum Face Area – Eight hundred feet (800)
Calculated as the area enclosed within the outer edge of the frame (border) of each side of the sign.

Minimum Sign Separation – One thousand five hundred (1,500) feet from any other billboard
Separation between billboards shall be measured by the linear distance on the same side of the street.

Minimum Sign Separation from any public park, forest, playground, scenic area, or residential property – One thousand five hundred (1,500) feet.

F. Permit required – No billboard sign shall be erected, constructed, altered or maintained until after permit for such billboard sign has been issued by the building official and the fee paid. Before a permit is issued for erection of a billboard, there shall be a registered architect's or engineer's certificate provided by the applicant stating that structural members will stand the stress to be placed upon them.

33.3. Grandfathered Signs: Any sign that legally exists as of the effective date of this Ordinance.

A. Changes in the content of a non-conforming sign including names, words, logos or similar information shall not constitute an alteration requiring conformance with this current sign regulation, as long as the changes do not make the sign more non conforming and a permit is obtained for the changes.

B. Any non-conforming billboard sign which is damaged or deteriorated to an extent where restoration costs exceed sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, shall be removed.

## SECTION 34 INDUSTRIALIZED HOUSING SUPLEMENTAL REGULATIONS

34.1 Pursuant to Texas Occupation Code, Chapter 1202.253, or successor, a municipality may adopt regulations pertaining to single-family or duplex industrialized housing as permitted by state law.

34.2 Regulation of single-family and duplex industrialized housing.

A. Single-family or duplex industrialized housing must comply with all local permit and license requirements that are applicable to other single-family or duplex dwellings.

B. Any industrialized housing shall:

1. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the properties are located;

2. Comply with applicable building setbacks, square footage, and other site requirements applicable zoning district;

3. Have exterior siding, roofing, and roofing pitch compatible with the dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

4. Be securely fixed to a permanent foundation.

C. Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building inspector and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:

1. Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located by address, lot and block number and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county in which the properties are located;

2. Describe and provide front view photographs of the exterior siding, roofing, roof pitch, for each dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

3. Show proof of the value of the improved property by providing;

(a) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, including the value of the lot, if the lot is included in the sale; or

(b) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located, if the lot is not included in sale of the housing unit or if the value of the lot is not included on the sales receipt; and,

4. Describe the permanent foundation and method of attachment proposed for the industrialized housing;

5. Indicate the deed restrictions otherwise applicable to the real property on which the industrialized housing is to be located.

D. Failure to provide any documentation required in 34.2(C) will be considered grounds to deny a permit application.

E. A person commits an offense if the person:

1. Causes or permits any industrialized housing to be constructed, erected, installed, or moved into the city without first submitting applications to the building inspector and obtaining all required permits;

2. Causes or permits any industrialized housing which does not comply with this section to be constructed, erected, installed, or moved into the city; or

3. Violates any provision of this section.

F. Any person aggrieved by these requirements may appeal to the Zoning Board of Adjustment as per Section 10.

# VI. PENALTIES AND NONCONFORMITIES

## SECTION 35 EFFECT OF INTERPRETATION

35.1 In interpreting and applying the provisions of this Ordinance, they shall be held to 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 use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

## SECTION 36 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

36.1 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, incurred prior to the time the exiting Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

## SECTION 37 PENALTY FOR VIOLATIONS

37.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars ($2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

## SECTION 38 VALIDITY

38.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**PASSED AND APPROVED** by the City Council of the City of White Oak, Texas on the 16th day of June, 2009.

**PASSED AND ADOPTED** by the City Council of the City of White Oak, Texas on the 16th day of June, 2009.

*(City seal)*

_____
Joe Carrington
Mayor

**ATTEST:**

_____
Sherry Roberts
City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

_____
Gary Shaver
City Attorney

## APPENDIX (A-1) DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL) -** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, carport, etc.

2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY) -** In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").

3. **ACCESSORY MOTHER-IN-LAW QUARTERS** – An independent dwelling unit that has been added onto, or created within, a single-family house. These structures are often occupied by elderly persons, with the main structure occupied by relatives. This option provides economic, social, and security benefits, since it allows older people to live independently but close to people who are concerned about their well-being. These types of structures are allowed with the issuance of a Special Use Permit.

4. **ACCESSORY USE -** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

5. **AGRICULTURAL ZONING** – Regulations that protect the agricultural land base by limiting nonagricultural uses, prohibiting high-density development, requiring houses to be clustered on small lots, and restricting subdivision of land into parcels that are too small to farm.

6. **AIRPORT OR LANDING FIELD -** A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

7. **ALLEY -** A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

8. **AMBIENT NOISE LEVEL** – The normal or existing level of noise from existing conditions or activities at a given location.

9. **AMBULANCE SERVICE -** Provision of private (not operated by the City of White Oak) emergency transportation which may include mobile medical care, and which may include storage

and maintenance of vehicles.

10. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** - Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
11. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

12. **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

13. **ANIMAL SHELTER** - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society ( such as the Society for the Prevention of Cruelty To Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

14. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

15. **ANTENNA, MICROWAVE REFLECTOR & ANTENNA SUPPORT STRUCTURE** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. (See Section 30.1).

16. **ANTENNA (NON-COMMERCIAL/AMATEUR)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of

operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna. (See Section 30.1).

17. **ANTENNA (COMMERCIAL) -** An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. (See Section 30.1).

18. **ANTIQUE SHOP, SALES INDOORS** - A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.

19. **APARTMENT – See definition for Multiple-Family Dwelling Unit.**

20. **ART GALLERY OR MUSEUM -** An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

21. **ASSISTED LIVING FACILITY** - A congregate residence facility for ten (10) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

22. **AUTO LAUNDRY OR CAR WASH -** Washing, waxing or cleaning of automobiles or light duty trucks.

    a. **Attended Auto Laundry or Car Wash -** The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

    b. **Unattended Auto Laundry or Car Wash -** The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

23. **AUTO FINANCE AND LEASING -** Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

24. **AUTO PARTS AND ACCESSORY SALES (INDOORS) -** The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

25. **AUTO RENTAL -** Storage or renting of automobiles and light trucks.

26. **AUTO SALES (NEW) -** Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

27. **AUTO SALES (USED) -** Retail sales, or offering for sale, used automobiles or light load vehicles.

28. **AUTO STORAGE OR AUTO AUCTION -** The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

29. **AUTOMOBILE -** A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

30. **AUTOMOBILE ACCESSORY INSTALLATION (MINOR) -** Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

31. **AUTOMOBILE REPAIR GARAGE -** An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

32. **AUTOMOBILE REPAIR, MAJOR -** General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

33. **AUTOMOBILE REPAIR, MINOR -** Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

34. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION -** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

35. **BAKERY OR CONFECTIONERY (RETAIL) -** A facility less than 1,500 square feet for the production and/or sale of baked goods.

36. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL) -** A manufacturing facility over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.

37. **BALLROOM DANCING -** An establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for "Private Club").

38. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

39. **BARN -** A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

40. **BASEMENT (OR CELLAR) -** A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

41. **BASE MAP** – A map having sufficient points of reference, such as state, county, or municipal boundary lines, streets, easements, and other selected features, to allow the plotting of other data.

42. **BED AND BREAKFAST INN OR FACILITY -** a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

43. **BERM –** A mound of earth or the act of pushing earth into a mound. Generally used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They also provide visual interest, decrease noise, control the direction of water flow, and act as dams.

44. **BIKE LANE** – A corridor expressly reserved for bicycles, separated from pedestrians and motor vehicles.

45. **BLOCK -** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Planner shall determine the outline of the block.

46. **BOARD OF ADJUSTMENT** – An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance.

47. **BOARDING OR ROOMING HOUSE -** A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

48. **BUILDING -** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

49. **BUILDING HEIGHT -** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

50. **BUILDING LINE -** A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see Illustration 6).

51. **BUILDING, MAIN OR PRIMARY -** A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

52. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR) -** Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.

53. **BUILDING OFFICIAL -** The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of White Oak.

54. **BUILDING PERMIT** – Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

55. **BUILDING SITE -** See "Lot" definition.

56. **BUS STATION OR TERMINAL -** Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

57. **CAPITAL IMPROVEMENTS PROGRAM -** A timetable of schedule of all future capital improvements to be carried out during a specific period, listed in order of priority, together with cost estimates and the anticipated means and sources of financing each project.

58. **CARETAKERS' OR GUARDS' RESIDENCE -** A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

59. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) -** Outdoor or indoor commercial amusement provided on a temporary basis.

60. **CARPORT -** A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."

61. **CEMETERY OR MAUSOLEUM -** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

62. **CEMETERY, ANIMAL -** Same as cemetery except only for the burial of dead animals.

63. **CENSUS** – An official periodic enumeration of a designated geographic area's population, housing, and related characteristics.

64. **CERTIFICATE OF OCCUPANCY -** An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

65. **CHILD CARE CENTER (OR DAY CARE CENTER) -** A commercial institution or place designed for the care or training of ten (10) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

66. **CHURCH, RECTORY OR TEMPLE -** A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

67. **CITY COUNCIL -** The governing body of the City of White Oak, Texas.

68. **CIVIC CENTER -** A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

69. **CLEANING PLANT (COMMERCIAL/WHOLESALE) -** An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

70. **CLEANING SHOP OR LAUNDRY (SMALL SHOP, PICK-UP AND SELF SERVICE) -** A custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area and may include customer self-service laundry and cleaning.

71. **COLLEGE OR UNIVERSITY -** An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

72. **COMMERCIAL AMUSEMENT (INDOOR) -** See Amusement, Commercial (Indoor).

73. **COMMERCIAL AMUSEMENT (OUTDOOR) -** See Amusement, Commercial (Outdoor).

74. **COMMUNICATIONS OPERATIONS (NON-COMMERCIAL/AMATEUR) -** The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

75. **COMMUNICATIONS OPERATIONS (COMMERCIAL) -** The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

76. **COMMUNITY CENTER (PUBLIC) -** A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

77. **COMMUNITY HOME -** A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code).

78. **COMPREHENSIVE PLAN -** Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

79. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT) -** A permanent manufacturing facility for the production of concrete or asphalt.

80. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

81. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

82. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

83. **COPY SHOP OR PRINTING** - An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

84. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

85. **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

86. **COURT** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

87. **COVERAGE** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

88. **CUSTOM PERSONAL SERVICE SHOP** - Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.

89. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

90. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

91. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

92. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.

93. **DRAPERY OR FURNITURE UPHOLSTERING SHOP** - An establishment for the production, display and sale of draperies and soft coverings for furniture.

94. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one or more families.

95. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)** - See "Single Family Dwelling (Attached)".

96. **EASEMENT -** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

97. **EDUCATIONAL FACILITIES -** Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

98. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.

99. **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.

100. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.

101. **FAMILY -** One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

102. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than four (4) children under ten (10) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed ten (10) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

103. **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

104. **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

105. **FIRE, POLICE OR MUNICIPAL BUILDING -** Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

106. **FLOOD PLAIN -** An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of White Oak.

107. **FLOOR AREA -** The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

108. **FLOOR AREA RATIO (FAR) -** The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 1).

109. **FLORIST SHOP -** An establishment for the display and retail sale of flowers, small plants and accessories.

110. **FOOD PROCESSING -** A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

111. **FOOD STORE -** A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

112. **FOOD VENDOR MOBILE** – Any person (or persons) who operate food from a stationary cart, or trailer mounted on chassis.

113. **FRANCHISED PRIVATE UTILITY (NOT LISTED) -** A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of White Oak.

114. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION -** An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

115. **FRONT YARD -** See "Yard, Front".

116. **FUNERAL HOME OR MORTUARY -** A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

117. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES -** This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

118. **FURNITURE STORE (NEW AND USED) -** Same as above except sales may include used items.

119. **GARAGE, PRIVATE -** An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

120. **GARAGE/ACCESSORY DWELLING -** A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

121. **GARDEN SHOP -** A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

122. **GASOLINE SERVICE OR FILLING STATION -** See "Automotive Gasoline or Motor Fuel Service Station".

123. **GENERAL COMMERCIAL PLANT -** Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

124. **GENERAL MANUFACTURING -** See "Industrial, Manufacturing".

125. **GENERAL RETAIL STORES -** This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "Retail Shop").

126. **GOLF COURSE -** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

127. **GROUP DAY-CARE HOME -** Means a facility that provides care for four (4) to ten (10) children under fourteen (14) years of age less than 24 hours a day.

128. **GYMNASTIC OR DANCE STUDIO -** A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

129. **HAULING OR STORAGE COMPANY -** See "Motor Freight Company".

130. **HEAVY LOAD VEHICLE -** A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 2 tons (including trailers), such as tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise. This term does not include recreational vehicles (RVs).

131. **HEAVY MACHINERY SALES AND STORAGE -** A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

132. **HELIPORT -** An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

133. **HELISTOP -** The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

134. **HOME FOR AGED, RESIDENCE -** A home where elderly people are provided with lodging and meals without nursing care being a primary function.

135. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 33).

136. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

137. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

138. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR** - The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

139. **HOUSEHOLD CARE FACILITY** - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

140. **HOUSEHOLD CARE INSTITUTION** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

141. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

142. **INDUSTRIAL, MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

143. **INDUSTRIALIZED HOME OR MODULAR HOME** - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that 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 designed to be used on 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 the Texas Manufactured Housing Standards Act (Article 5221f V.A.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

144. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

145. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

146. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

147. **KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)** - An establishment where more than three (3) children are housed for care and/or training during the day or portion thereof.

148. **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

149. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

150. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

151. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

152. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

153. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.

154. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 15,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

155. **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or

parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

156. **LOADING SPACE -** An off-street space or berth used for the delivery and loading/unloading of vehicles.

157. **LOCAL UTILITY LINE -** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

158. **LOT -** A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street. (See Illustrations 6, 7 and 8)

159. **LOT AREA -** The total area, measured on a horizontal plane, included within lot lines.

160. **LOT, CORNER -** A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135 ). (See Illustration 9)

161. **LOT DEPTH -** The mean horizontal distance between the front and rear lot lines. (See Illustration 7).

162. **LOT, DOUBLE FRONTAGE -** A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5)

163. **LOT, FLAG -** A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.

164. **LOT, INTERIOR -** A lot other than a corner lot.

165. **LOT FRONTAGE -** That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

166. **LOT LINE, FRONT -** The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 6)

167. **LOT, KEY -** A corner lot whose exterior side is adjacent to the front yard of another lot.

168. **LOT LINE, REAR -** The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

169. **LOT LINE, SIDE -** Any lot line not the front or rear lot line.

170. **LOT LINES OR PROPERTY LINES -** The lines bounding a lot as defined herein.

171. **LOT OF RECORD -** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Gregg County.

172. **LOT WIDTH -** The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 6).

173. **MAIN BUILDING -** The building or buildings on a lot which are occupied by the primary use.

174. **MANUFACTURED HOME DISPLAY OR SALES (NEW) -** The offering for sale, storage, or display of new manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

175. **MANUFACTURED HOME DISPLAY OR SALES (USED) -** The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

176. **MANUFACTURED HOUSING -** Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:

    a. **Mobile Home -** A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

    b. **HUD-Code Manufactured Home -** A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.

    c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home) -** A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

177. **MASONRY CONSTRUCTION -** Exterior construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, decorative split face concrete block (excluding smooth face concrete block) or tile, brick veneer, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

178. **MAUSOLEUM -** Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

179. **MEDICAL FACILITIES:**

a. **Medical Clinic or Office -** A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

b. **Dental Office or Doctors Office -** Same as medical clinic.

c. **Hospital -** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

d. **Massage Establishment -** Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

e. **Public Health Center -** A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium -** An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility -** An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory -** An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

180. **MINI-WAREHOUSE -** Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

181. **MINOR MEDICAL EMERGENCY CLINIC -** See "Medical Clinic or Office".

182. **MOBILE HOME PARK (also TRAILER PARK or RV PARK) -** A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the

owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

183. **MOBILE HOME SPACE** - A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision which is designed for the accommodation of one mobile home, trailer or RV unit.

184. **MOBILE HOME SUBDIVISION** - A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

185. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

186. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

187. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds and similar vehicles are classified as motorcycles.

188. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.

189. **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

190. **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

191. **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

192. **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of White Oak, Texas.

193. **NONCONFORMING USE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

194. **NURSERY** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

195. **NURSING, CONVALESCENT OR REST HOME** - See "Skilled Nursing Facility".

196. **OCCUPANCY -** The use or intended use of the land or buildings by proprietors or tenants.

197. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

198. **OFFICE CENTER -** A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

199. **OFFICE SHOWROOM** - An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

200. **OFFICE WAREHOUSE** - An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

201. **OFFICIALLY APPROVED PLACE OF ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of White Oak.

202. **OFF-STREET PARKING INCIDENTAL TO MAIN USE** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

203. **OUTSIDE DISPLAY** - Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.

204. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.

205. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

206. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

207. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".

208. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".

209. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of White Oak parking lot standards, for the short- or long-term storage of motor vehicles.

210. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure

only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

211. **PARKING SPACE -** An off-street (i.e., not on a public street or alley) area, paved in accordance with City of White Oak parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

212. **PATIO HOME (ZERO-LOT-LINE DWELLING) -** A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 18).

213. **PAWN SHOP -** An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

214. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES -** Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage).

215. **PET AND ANIMAL GROOMING SHOP -** A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

216. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY -** A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

217. **PLANNED DEVELOPMENT -** Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

218. **PLANNING AND ZONING COMMISSION -** A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."

219. **PLAT -** A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of White Oak, and which is approved by the City of White Oak and recorded in the plat records of Gregg County.

220. **PLATTED LOT -** See "Lot" and "Lot of Record".

221. **PLAYFIELD OR STADIUM (PUBLIC) -** An athletic field or stadium owned and operated by a

public agency (e.g., City of White Oak, White Oak Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

222. **PLAYFIELD OR STADIUM (PRIVATE) -** An athletic field or stadium owned and operated by an agency other than the City of White Oak or the White Oak Independent School District.

223. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY) -** An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

224. **PREMISES -** Land together with any buildings or structures situated thereon.

225. **PRIMARY USE -** The principal or predominant use of any lot or building.

226. **PRINCIPAL BUILDING -** See "Main Building".

227. **PRIVATE CLUB -** An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

228. **PRIVATE RECREATION FACILITY OR PRIVATE PARK -** A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

229. **PRIVATE STREET -** A street that has not been accepted by the municipality or other governmental entity.

230. **PRODUCE STAND -** A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.

231. **PROFESSIONAL SERVICE -** Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

232. **PROPANE SALES -** Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

233. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY -** Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of White Oak are defined as "Municipal Facility or Use".

234. **PUBLIC RECREATION -** Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in Article __

of the City of White Oak Code of Ordinances.

235. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.

236. **RADIO, TELEVISION OR MICROWAVE TOWER** - See Antenna, Microwave Reflector & Antenna Support Structure (see also Section 30.1).

237. **REAR YARD** - See "Yard, Rear".

238. **RECREATION CENTER** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

239. **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such.

240. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

241. **RECREATIONAL VEHICLE (RV) PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").

242. **RECYCLING KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

243. **REHABILITATION CARE FACILITY (HALFWAY HOUSE)** - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

244. **REHABILITATION CARE INSTITUTION** - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

245. **RESIDENCE** - Same as a dwelling; also, when used with district, an area of residential regulations.

246. **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

247. **RESIDENTIAL DISTRICT -** District where the primary purpose is residential use.

248. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE) -** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

249. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE) -** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

250. **RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) -** An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

251. **RETAIL OR SERVICE, INCIDENTAL -** The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than fifteen percent (15%) of the main use.

252. **RETAIL SHOP (FOR APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS) -** An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General Retail Stores").

253. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING) -** A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

254. **ROOM -** A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

255. **ROOMING HOUSE -** See "Boarding House".

256. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) -** The reclamation and storage of used products or materials.

257 **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE -** The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

258. **SCHOOL, BUSINESS -** A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

259. **SCHOOL, COMMERCIAL TRADE -** A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

260. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

261. **SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

262. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

263. **SCREENED** - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

264. **SEASONAL USES** - Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.

265. **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

266. **SEXUALLY ORIENTED BUSINESS** – An adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

267. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

268. **SIGN** – Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including works, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

269. **SIGN (BILLBOARD)** – A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

270. **SIDE YARD** - See "Yard, Side".

271. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

272. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

273. **SKILLED NURSING FACILITY (also termed NURSING HOME, CONVALESCENT HOME or LONG-TERM CARE FACILITY) -** A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

274. **SMALL ENGINE REPAIR SHOP -** Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

275. **STABLE, COMMERCIAL -** A stable used for the rental of stall space or for the sale or rental of horses or mules.

276. **STABLE, PRIVATE -** An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

277. **STORAGE OR WHOLESALE WAREHOUSE -** A building used primarily for the storage of goods and materials including Cars, Trucks and Recreational Vehicles.

278. **STORY -** That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from point representing the average slope from front to back (or side to side) of the building.

279. **STORY, HALF -** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

280. **STREET -** Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

281. **STREET INTERSECTION -** Any street which joins another street at an angle, whether or not it crosses the other.

282. **STREET YARD -** The area between the building front line and the front property (i.e., right-of-way) line.

283. **STRUCTURE -** Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").

284. **STRUCTURAL ALTERATIONS -** Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

285. **STUDIO, HEALTH/REDUCING/FITNESS -** Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight

reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

286. **STUDIO, TATTOO OR BODY PIERCING -** A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

287. **STUDIO FOR RADIO AND TELEVISION -** A building or portion of a building used as a place for radio or television broadcasting.

288. **SWIMMING INSTRUCTION AS A HOME OCCUPATION -** The teaching of swimming in a private swimming pool. Within a residential district, this use may be subject to the issuance of a special permit which may specify operating conditions and standards and which may limit the number of students and operating times.

289. **SWIMMING POOL, COMMERCIAL -** A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

290. **SWIMMING POOL, PRIVATE -** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the City of White Oak Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.290. **TELEMARKETING CENTER -** An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

291. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION -** A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

292. **TEMPORARY -** Used or lasting for only a limited period of time; not permanent.

293. **TEMPORARY BUILDING -** Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

294. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE -** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

295. **TENNIS COURT, PRIVATE -** A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by this or other City Ordinance.

296. **THEATER, DRIVE-IN (OUTDOOR) -** An open lot with its appurtenant facilities devoted

primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

297. **THEATER OR PLAYHOUSE (INDOOR) -** A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

298. **TIRE DEALER, NO OPEN STORAGE -** A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

299. **TIRE DEALER, WITH OPEN STORAGE -** A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

300. **TOOL AND MACHINERY RENTAL SHOP -** A building or a portion of a building used for the display and rental of tools, machinery and instruments.

301. **TRACT -** A single individual parcel or lot.

302. **TRACTOR SALES -** See "Heavy Machinery Sales and Storage".

303. **TRADE AND COMMERCIAL SCHOOLS -** See "School, Commercial Trade".

304. **TRAILER PARK OR COURT -** See "Mobile Home Park".

305. **TRAILER, HAULING -** A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

306. **TRAILER HOME -** See "Manufactured Housing, Mobile Home".

307. **TRAILER OR MOBILE HOME SPACE -** See "Mobile Home Space".

308. **TRAILER RENTAL -** The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

309. **TRAILER, TRAVEL OR CAMPING -** A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

310. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES -** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

311. **TRUCK -** A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

312. **TRUCK AND BUS REPAIR -** An establishment providing major and minor automotive repair services to heavy load vehicles.

313. **TRUCK AND BUS LEASING -** The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

314. **TRUCK STOP -** A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

315. **TRUCK TERMINAL -** An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

316. **TRUCK SALES (HEAVY TRUCKS) -** The display, sale or rental of new or used heavy load vehicles in operable condition.

317. **TWO-FAMILY DWELLING (DUPLEX) -** Two attached dwellings in one structure, each designed to be occupied by one family.

318. **USABLE OPEN SPACE -** An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 20.7(B-C)).

319. **USE -** The purpose for which land or buildings are or may be occupied in a zoning district.

320. **UTILITY DISTRIBUTION/TRANSMISSION LINES -** Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

321. **VARIANCE -** An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Zoning Board of Adjustment of the City of White Oak can grant a variance.

322. **VETERINARIAN CLINIC -** An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

323. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE) -** Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

324. **YARD -** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 6).

325. **YARD, FRONT -** A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 6).

326. **YARD, REAR -** The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8).

327. **YARD, SIDE -** The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8).

328. **ZERO-LOT-LINE DWELLING -** See "Patio Home".

329. **ZONING DISTRICT -** A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

330. **ZONING DISTRICT MAP -** The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, "Zoning District Map" and Section 4, "Zoning District Boundaries").

331. **ZOO (PRIVATE) -** A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

332. **ZOO (PUBLIC) -** A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

## A-2 SUMMARY OF ZONING DISTRICT REGULATIONS

*(insert table, saved as – server\DSAdata\City\WhiteOak\ZoningOrd\ZoningOrdinance-table.doc)*

## A-3 SCHEDULE OF FEES

The following fees for the processing of zoning/development applications, as governed by this Ordinance, are included herein as Appendix A-3.

| | |
|---|---|
| Zoning Change | $150.00 |
| Zoning Ordinance Text Amendment | $50.00 |
| Concept Plan/Preliminary Site Plan (with no zoning review) | $0.00 |
| Site Plan (with required engineering/construction plans) | $25.00 |
| Landscape Plan | $0.00 |
| Zoning Board of Adjustment - Variance Request | $50.00 |
| Certificate of Occupancy | $10.00 |

## A-5 PLANNED DEVELOPMENTS

| PD Number | Ordinance Number | Adoption Date | Base Zoning District(s) | Concept Plan? (yes or no) | Description/ Comments |
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## A-6 SPECIFIC USE PERMITS

| SUP Number | Ordinance Number | Adoption Date | Base Zoning District(s) | Concept/ Site Plan? (yes or no) | Description/ Comments |
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