



ORDINANCE #19-0122-01

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

WHEREAS, Ordinance #09-0428-02 was passed April 28, 2009, Ordinance #12-0124-01 was passed January 24, 2012, Ordinance #12-0424-01 was passed April 24, 2012, Ordinance #13-0723-01 was passed July 23, 2013, Ordinance #13-1022-02 was passed October 22, 2013, Ordinance #17-0926-03 was passed September 26, 2017, Ordinance #18-0430-01 was passed April 30, 2018 and Ordinance #18-0522-01 was passed May 22, 2018 is hereby amended as follows:

This Ordinance repeals and replaces all prior Ordinances or parts of Ordinances in conflict herein and shall take effect and be in full force and effect from and after its passage and publication as required by law. Those provisions of the original ordinance not specifically amended herein shall also remain in full effect and force.

ARTICLE 24. LANDSCAPE DEVELOPMENT REGULATIONS

SECTION 24.1. Purpose and Intent

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

SECTION 24.2. Jurisdiction and Applicability

1. The landscape requirements and tree preservation and protection requirements in this Ordinance shall apply to all land within the City limits, as now or hereafter set, in all zoning districts, except for agricultural and single family (detached and attached), duplex, mobile home and manufactured home residential zoned property. Areas zoned as Planned Office or Commercial Development Districts containing landscaping standards shall be regulated by the more restrictive requirements.
2. Areas zoned as Light Industrial – Business Park (LI-BP) or with a Specific Use Permit (SUP) and containing landscaping standards, shall be regulated by the requirements set forth in the Final Site Development Plan.

3. The landscape requirements shall apply to all public, private and institutional developments. Such landscape requirements shall become applicable to each individual lot at such time as an application for a Building Permit on such lot is made. All landscape requirements of this Ordinance shall continue after the Building Permit is issued to any owner or subsequent owner.

SECTION 24.3. Compliance

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

SECTION 24.4. Generally

- A. It is intended that the flexibility permitted by this ordinance extends to discretionary approval, in conjunction with a landscape plan or concept plan review, not limited to, but including such items as those relating to tree planting, shrubs and ground vegetation including grasses and protective screening in order to achieve conformance with good planning practices.
- B. The purpose of this ordinance is to accomplish the following:
 1. to protect and provide for public health, safety and general welfare of the citizens;
 2. to guide the future development of the City;
 3. to accommodate innovation by modifying regulations to better accomplish the City's development goals;
 4. to mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities and adjacent land uses; and
 5. to protect and enhance the aesthetic and visual quality of development.

SECTION 24.5. Requirements

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

1. Landscaping regulations apply to all new construction, reconstruction and where a Certificate of Occupancy is requested to be issued. Plans must be submitted and approved before a building permit or a Certificate of Occupancy can be issued.
2. Fifteen percent (15%) of the total land area must be landscaped with trees, shrubs and ground vegetation including grasses. Fifty percent (50%) of this landscaping must be located in the front

yard. Special landscape designs, which are appropriate for the building design (i.e. southwestern and Spanish styles or xeriscape design) may be approved-

3. Landscaping must be irrigated or located within seventy-five (75) feet of a water source for proper maintenance and care.
4. Trees shall be planted along property frontage at a rate of one, three (3) inch caliper tree for every forty (40) feet of frontage.
5. A screening row of shrubs/plantings is required along at least (50%) of any street frontage. Such plants shall grow to at least thirty-six (36) inches at maturity.
6. Curbed island areas and parking lot islands shall be landscaped with materials or plantings other than exclusively lawn grass. In lieu of shrubs, vegetation and trees decorative concrete, paving stones, paving bricks or decorative stones may be used for at least 50% of the island areas.
7. Shrub and tree plantings in appropriate areas are also required alongside perimeters of developed lots.
8. In parking lots, for every twelve (12) parking spaces, ninety (90) square feet of landscaping (trees, shrubs and/or ground vegetation, including grasses, or decorative concrete, paving stones, paving bricks or decorative stones) in island areas is required.
9. The owner commits an offense if he does not maintain the required landscaping with plantings properly watered and pruned. All dead trees, shrubs, vegetation and grasses must be replaced within a reasonable period of time and no later than thirty (30) days. In the event of a drought or emergency, the Building Official shall grant a reasonable extension of time for the replacement of dead trees, shrubs, vegetation and grasses.

SECTION 24.6. RECOMMENDED PLANT LIST

GROUNDCOVERS

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

Asian Jasmine (Trachelospermum asiaticum): sun to shade
Aspidistra (Latin name):

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

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

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

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

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

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

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

VINES

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

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

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

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

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

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

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

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

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

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

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

DWARF SHRUBS - (under 3 feet)

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

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

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

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

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

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

Indian Hawthorn (*Raphiolepis indica*): sun to part shade; evergreen; 'Enchantress', 'Pinkie', 'Clara' and other dwarf varieties; 3' - 4' wide (full sun, excellent drainage, good air flow, and limited irrigation is essential to limited entomosporium leafspot disease)

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

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

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

SMALL SHRUBS (3 to 6 feet)

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

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

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

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

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

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

Fatsia (*Latin name*):

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

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

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

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

MEDIUM SHRUBS (6 to 9 feet)

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

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

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

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

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

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

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

Ligustrum (*Ligustrum japonicum*):

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

LARGE SHRUBS (over 9 feet)

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

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

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

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

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

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

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

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

SMALL TREES (under 20 feet)

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

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

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

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

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

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

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

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

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

MEDIUM TREES (20 to 50 feet)

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

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

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

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

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

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

12' - 15' wide

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

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

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

LARGE TREES (over 50 feet)

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

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

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

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

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

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

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

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

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

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

PERENNIALS

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

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

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

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

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

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

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

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

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

This Ordinance repeals and replaces all prior Ordinances or parts of Ordinances in conflict herein and shall take effect and be in full force and effect from and after its passage and publication as required by law. Those provisions of the original ordinance not specifically amended herein shall also remain in full effect and force.

PASSED AND APPROVED by the City of Whitehouse City Council on this 22nd day of January 2019.



Charles Parker – Mayor

Attested by:



Susan Hargis - City Secretary