

## ARTICLE VII. REVIEW PROCEDURES

### Sec. 28-63. – Purpose and Organization of this Article.

The purpose of this Article is to:

- (1) Describe the procedures for filing and processing of Planning Department applications for development activity in the City of Pasadena.
- (2) Provide a format that allows applicants to quickly and efficiently ascertain the various steps involved in obtaining Planning Department approval.

### Sec. 28-64. – Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning[s] ascribed to them in this section.

*Single-family Residential* shall mean the use of a lot with one building designed for and containing not more than one dwelling unit with facilities for living, sleeping, cooking and eating therein.

### Sec. 28-65. – General Procedures

- (1) Purpose. This section describes the procedural elements to all applications. Additional procedures that apply to specific applications are provided in Section 28.66.
- (2) Consistency with State and Federal law. The notice, decision making authority, public hearing, and other requirements for all approvals shall comply with the Texas Local Government Code and other applicable state or federal laws, rules or regulations. This Chapter shall be interpreted and applied in accordance with all applicable state or federal laws, rules, and regulations. If these requirements conflict with the Texas Local Government Code, the Texas Local Government Code requirements control.
- (3) All applications in this Chapter shall be submitted to the Planning Department.
- (4) Pre-Application Meeting.
  - (a) The purpose of a pre-application meeting is to provide an opportunity for the applicant and the City of Pasadena discuss the development proposal and to resolve potential

issues before the applicant and the City incur substantial time and expense in submitting and reviewing the application.

(b) Applicants are advised that the meeting should take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of related data.

(5) Application Materials.

(a) The Planning Director may publish application materials and procedures, including timelines and application submittal dates, for the processes established in this Chapter.

(b) Only complete and correct submittals will be considered filed as an application.

(c) The Planning Director or designee shall determine if the submittal is complete and correct. If the submittal is determined to be incomplete and/or incorrect, the Planning Director or designee shall provide written notice to the applicant. The notice shall specify the necessary documents and information for an acceptable application.

(d) Plans and related application materials shall be submitted in a format specified by the Planning Director and in a manner specified by the Planning Director.

(e) The Planning Director may permit an applicant to omit required information from an application that the director determines is not material to a decision on the application.

(6) Criteria.

(a) All applications shall comply with all applicable standards in this Chapter.

(b) The application shall be consistent with the terms and conditions of any prior plan or plat approval that is in effect and proposed to be changed. This includes an approved phasing plan for development and installation of public improvement and amenities.

(c) The application shall be consistent with the city-wide plan and any applicable sub-area, neighborhood, master, or district plan.

(d) The application shall comply with all applicable city standards and regulations, unless the standard is lawfully modified, varied, or waived.

(e) The proposed development shall comply with all applicable regulations, standards, requirements, or plans of the federal or state governments, service districts and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations. It also includes, but is not limited to regulatory standards and design construction specifications for roads, access, drainage, water, sewer, schools, emergency / fire protection, and similar standards.

- (f) The proposed development shall be designed to minimize negative environmental impacts, and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.
  - (g) Riparian zones, stream corridors, and wetlands enhance flood protection, improve water quality, and provide fishery and wildlife habitat. The proposed development shall be designed to minimize negative impacts to riparian zones, stream corridors and wetlands.
  - (h) The proposed development shall not cause significant adverse impacts on surrounding properties.
  - (i) The proposed development shall not result in significant adverse fiscal impacts on the City or in the future.
  - (j) Adequate transportation capacity must exist to serve the uses permitted under the proposed development, and the proposed use shall be designed to ensure safe ingress and egress onto the site and safe travel conditions around the site, including adequate access onto the site for fire, public safety, and emergency services.
  - (k) Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, water, sewer, wastewater treatment, electricity, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.
  - (l) If the application involves phases, each phase of the development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.
- (7) Application Expiration
- (a) An application expires after one-hundred and eighty (180) days after the application is accepted unless the application has been approved.
  - (b) An application that has been disapproved with reasons may be updated to address those reasons until the application expires.

- (c) An approved plan shall expire and become null and void, if the construction or work is not commenced within one (1) year from the date of approval, or if the construction or work is suspended or abandoned at any time after the construction or work has commenced for a period of one (1) year.

Sec. 28-66. – Specific Procedures

(1) Site Plans

- (a) The purpose of the site plan is to ensure compliance with the site development standards of the City of Pasadena.
- (b) Applicability. Site plan review is required for:
  - i. New development including buildings and structures; parking areas; driveways; laydown yards and material storage areas; fencing; and other site features except single-family residential.
  - ii. The construction of residential or private garages, shops, barns, barn/residence, storage and other utility type structures over one thousand two hundred (1,200) square feet.
  - iii. Redevelopment, remodel or addition to an existing development, which includes the property, buildings, accessory uses or structures, utility improvements, parking and outdoor storage areas, except single-family residential.
  - iv. Change in use if required by the Planning Director.
  - v. Revision to plans previously approved by the City of Pasadena.
- (c) The site plan may not be approved unless the tract or property on which the development is proposed is legally platted except development that meets all of the following:
  - i. Development that does not involve a change of use, or increase in the area occupied by a use, increase in dwelling units per acre (DUA), increase in the floor area ratio (FAR), or increase in the number of required parking spaces; and
  - ii. Development that does not involve an addition to existing building(s), improvement(s) or structure(s).
- (d) Site Plan Requirements
  - i. An applicant or responsible party shall submit a site plan to the planning department prior to obtaining a building permit or certificate of occupancy as

applicable in this section. The site plan shall provide sufficient information to adequately determine compliance with all applicable requirements established by this Chapter. The Planning Director may require additional information as deemed appropriate.

- ii. The Traffic Director may require a traffic study as deemed appropriate.
- iii. The Site Plan shall:
  - a) Be accompanied by a non-refundable fee set forth for this provision in Section 28.46 of this Chapter;
  - b) Be to scale, provide a north arrow, and describe the property lines of all tracts and/or lots related to the development; and
  - c) Be accompanied by a copy of a survey dated within the last five (5) years or the most recently recorded subdivision plat.
- iv. The following documents shall be submitted with a site plan, as applicable:
  - a) A survey sealed and certified by a Texas registered professional land surveyor showing the location of each existing building, structure or improvement; each easement and right-of-way within or abutting the boundary of the surveyed property; and the dimensions of each sidewalk, alley, driveway, or other part of the site development dedicated to the public.
  - b) Covenants and restrictions recorded in the real property records affecting the tracts and/or lots included in the site plan;
  - c) Licenses, permits, and other documentation required by federal, state, and other governments for the operation of the use; and
  - d) A title report if required by the Planning Director.
- v. The site plan shall include the following information:
  - a) Locations and dimensions of all existing and proposed structures;
  - b) Bearings, dimensions and locations of existing property lines, easements and building setback lines;
  - c) Floor plan with dimensions and gross floor area (GFA) of all buildings and uses on site;
  - d) Surrounding land uses, adjoining streets, alleys, and other public improvements;

- e) Locations of existing trees, including identifying those trees to be preserved, as well as existing landscape to be preserved;
- f) Dimensions, design, materials, location of driveways, parking spaces, bicycle spaces, bicycle racks, service areas, loading areas, drive aisles, landscaping islands, curbs, wheel stops and other physical features related to layout of parking and loading facilities;
- g) Calculations used to determine the number of required parking spaces;
- h) Locations of above-ground existing and proposed physical features such as utility poles, fire hydrants, trash receptacles, dumpsters, dumpster enclosures, bollards and other features;
- i) Location and materials of sidewalks, patios and other improvements;
- j) Location, dimensions, distance, and clearly delineated pedestrian route to parking facilities, as applicable;
- k) Location and configuration of each drop-off, drive-in, or drive-through facility, as applicable;
- l) Proposed trees, shrubs, parking lot landscaping, lawn areas, groundcovers and buffer yards;
- m) Proposed plant list including type, size, variety and number of plants;
- n) Landscape irrigation plan;
- o) Proposed fence and/or wall information, including materials, height, and, if needed, certification by a registered engineer;
- p) Existing and proposed signs, and similar features; and
- q) Any additional information/materials (such as plans, maps, exhibits, information about proposed uses, etc.) as deemed necessary by the Planning Director in order to ensure that the application is understood.

(e) Review of Site Plan and Permits

- i. Upon receipt of a site plan application containing all the information and fees required by this Chapter, the Planning Director or designee shall perform a review of the site plan to verify compliance with the landscaping, parking, fencing, and setback ordinances and requirements of the City of Pasadena. Site plan approval does not indicate compliance with any other ordinances or requirements of the City of Pasadena. Site plan approval does not indicate

compliance with regulations, standards or requirements of other relevant jurisdictions.

- ii. The building official shall not issue a certificate of occupancy, building permit or fence permit unless the Planning Director or designee approves the site plan.
  - iii. A site plan application is not filed with the Planning Director until the applicant has provided a complete and correct submittal with all required information and fees.
  - iv. The Planning Director or designee shall approve, approve with conditions, or disapprove with reasons the site plan. The Planning Director or designee shall provide written notice of approval, approval with conditions, or disapproval.
  - v. Any site plan approved, building permit or certificate of occupancy issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the City or any other person or agency.
  - vi. Appeals from the decision of the Planning Director are to the Planning and Zoning Commission. A notice of appeal shall be submitted within 30 working days following receipt of written notice by the Planning Director. Appeals from the Planning and Zoning Commission are to the City Council. A notice of appeal shall be submitted within 30 working days following receipt of written notice by the Planning and Zoning Commission.
  - vii. The approved site plan shall be included in the application for certificate of occupancy and/or building permit, as applicable.
  - viii. After the completion of development in conformance to the approved site plan, the development shall remain in compliance with the approved site plan.
- (f) Violations
- i. It is a violation of this article for any person to construct a building or alter a building or property within the City without first complying with the provisions of this Code. Any person violating any provision of this code is guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day that a violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this Chapter.

- ii. If a person constructs a building or alters a building or property prior to complying with the requirements of this article, the fees described in this Code shall be doubled for construction or alteration required to comply with the provisions of this Code. The paying of a double fee shall not relieve a person from complying with the requirements of this Code, and shall never be a bar to any other remedy or relief for violation of this Chapter.

(2) Master Site Plan

(a) Purpose

- i. The purpose of a Master Site Plan is to provide for continuity of development over a large area through various phases. Master Site Plans are intended to implement the City's adopted plans, and provide for greater flexibility for redevelopment that creates high-quality, desirable places. The Master Site Plan review process allows for coordination of public and private infrastructure, open space, and park improvements.

(b) Applicability - this section shall apply when the following criteria are met:

- i. The property is under single ownership, or if the property has multiple owners, all owners of record consent in writing to the Master Site Plan review and agree to the requirements of an adopting ordinance approved by City Council;
- ii. The property is generally 10 acres or greater and the applicant desires development to be phased over a period not to exceed 7 years; and
- iii. The development anticipates establishing, extending, expanding or otherwise changing the public street grid, public utility infrastructure and/or publicly accessible park and open space.

(c) General Master Plan Requirements

- i. An application for Master Site Plan review shall be initiated by the owner or owners of the entire subject property prior to application for site plan review, building permit or certificate of occupancy. The master site plan shall provide sufficient information to adequately determine compliance with all applicable requirements established by this Chapter. The Planning Director may require additional information as deemed appropriate.

- ii. The Master Site Plan shall provide for development as an integrated place of mixed uses. It establishes shared site development standards for the entire property by identifying uses, density, lot area, pedestrian and vehicle circulation, loading areas, parking requirements and areas, signage, lighting, landscaping and screening, open space, architectural character, and other related elements. The Master Site Plan shall also establish project phasing or scheduling, management associations, covenants, restrictions and other requirements as the Planning Commission may deem appropriate.
- iii. Each individual phase, portion, building, use or occupancy of the development shall comply with all applicable City of Pasadena site development standards unless explicitly prescribed or granted variance by the City Council in the adopting ordinance.
- iv. Each phase of the development shall contain all the streets, utilities, landscaping, open space, and other improvements required to comply with the Master Site Plan, and shall not depend upon subsequent phases for these improvements.
- v. The Master Site Plan shall be set forth in the adopting ordinance and include requirements as the City Council may deem appropriate.
- vi. After approval of the Master Site Plan, each phase, building or portion of the development shall conform to the applicable procedures of Sec. 28-66 (1) of the Pasadena Code of Ordinances.

(d) Specific Master Site Plan Application Requirements

- i. The application materials shall include:
  - a) Master Site Plan shall be of sufficient specification to demonstrate conformance to City of Pasadena site development requirements and justify any requested variance. Requirements not explicitly addressed in the Master Site Plan Application will be required to comply with all applicable site development standards. The Master Site Plan may include:
    - i) A plat plan including all information required for a preliminary plat in conformance with Appendix A of the Pasadena Code of Ordinances.
    - ii) Size and location of buildings and proposed building groups on each individual lot (not applicable to single-family attached or detached buildings).

- iii) Detailed landscaping plans including turf areas, screening, ornamental planting, parking lot planters, street trees and natural areas.
    - iv) Architectural plans and elevations illustrating the design and character of proposed structures may be required by the Planning Commission or City Council if deemed appropriate.
  - b) Written consent of all owners of record
  - c) Site Development Standards:
    - i) Permitted land uses shall be individually and specifically described
    - ii) Density, height, setbacks, fencing, landscape, parking, lot size, lot coverage, open space and all other development standards shall be individually and specifically described
    - iii) There shall be a minimum of 20 percent of the gross acreage dedicated for useable permanent open space, which open space area shall not include land set aside for utility easements (with the exception of easements which provide permanent open space), rights-of-way, roadway or lot area.
    - iv) New distribution power-lines required to serve the subject property shall be placed underground.
  - d) Phasing Plan establishing the timing and responsibility for construction of improvements, infrastructure and open space
  - e) Variance request in conformance with all applicable requirements of Sec.9-79 and/or Appendix A, Sec.6 of the Pasadena Code of Ordinances.
  - f) Traffic Impact Analysis (if required by City Engineer)
  - g) Drainage and Utility Study (if required by City Engineer)
  - h) If applicable, covenants, conditions, restrictions, management entities
  - i) Any additional information/materials (such as plans, maps, exhibits, information about proposed uses, etc.) as deemed necessary by the Planning Director in order to ensure the application is understood.
- ii. Master Site Plan application materials may be submitted concurrently with the submittal of the preliminary plat. However, the Master Site Plan will not receive final approval prior to approval of the final plat and submittal of recordation materials to the Planning Department.
- iii. Review Procedures

- a) Upon receipt of a master site plan application containing all the information required by this Chapter, the Planning Director or designee shall perform a review of the master site plan to verify compliance with all applicable planning development standards. Master site plan approval does not indicate compliance with any other ordinances or requirements of the City of Pasadena. Master site plan approval does not indicate compliance with regulations, standards or requirements of other relevant jurisdictions.
  - b) A master site plan application is not filed with the Planning Director until the applicant has provided a complete and correct submittal with all the required information.
  - c) The Planning Commission, after notice and public hearing shall formulate its recommendation. The recommendation of the commission shall be forwarded to the City Council for decision.
  - d) If the master site plan is recommended favorably by Planning Commission, the Planning Director shall prepare the adopting ordinance.
  - e) City Council shall approve, approve with conditions, or deny.
  - f) No building permit or certificate of occupancy shall be issued not in strict compliance with the Pasadena Code of Ordinances or the adopting ordinance as approved by the City Council
- iv. The Planning Commission in making its recommendations to City Council, and the City Council in determining whether the master site plan shall be approved, shall consider as to whether or not the master site plan is consistent with the spirit and intent of this chapter, whether or not the master site plan is consistent with the City's adopted plans, and whether or not the following criteria have been met:
- a) Character and integrity of land use. The land uses proposed and their intensity and arrangement shall be of character which:
    - i) Are compatible to the physical nature of the site with preservation of natural features, existing trees and green space;
    - ii) Would produce a place of aesthetic desirability, enhanced ecological functions and compatibility with the character and form of the city; and

- iii) Would not create traffic or parking demands incompatible with the existing and proposed development.
  - b) Economic feasibility. The applicants shall provide evidence satisfactory to the Planning Commission and City Council of economic feasibility, availability of adequate financing, and that the proposal will enhance the long-term fiscal health of the City.
  - c) Preservation and maintenance of open space. Adequate provisions shall be made for the permanent preservation and maintenance of open space either by reservation or dedication to the public.
    - i) For private open space, the area to be reserved shall be protected against building development or use except as consistent with that of providing landscaped open space.
    - ii) The care and maintenance of private open space shall be ensured by the establishment of an appropriate management organization. The manner of assuring maintenance and assessing such costs to individual properties shall be included in any contractual agreements and in the title to each property.
    - iii) Ownership and tax liability of private open space shall be established in a manner acceptable to City Council and included as part of the conditions of plan approval.
  - d) Public services. Provision has been made for adequate public facilities and services such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
- (e) Master Site Plan Amendments
  - i. The Planning Director, with City Engineer and Building Official approval, may administratively approve changes to an approved master site plan in conformance with the City's Code of Ordinances to correct errors, make adjustments, or other minor revisions that do not:
    - a) Increase the area occupied by a use, increase in dwelling units per acre (DUA), increase in the floor area ratio (FAR), or increase in the number of required parking spaces;
    - b) Change the uses permitted;

- c) Substantially alter the arrangement of buildings, increase the number of buildings, change the use of buildings or exterior spaces or reduce a required setback;
  - d) Substantially alter the pedestrian and vehicular circulation or decrease the amount of off-street parking;
  - e) Reduce the amount of open space or landscaped areas; or
  - f) Conflict with site development standards established by the Master Site Plan.
- ii. All other changes to an approved master site plan shall require a new application and review following the procedures of this section.