

# **MULTIFAMILY (APARTMENTS) ORDINANCE**



**CITY OF PASADENA  
PLANNING DEPARTMENT  
(713) 475-5543**

## Multifamily Ordinance Checklist

*(This should not be considered a complete list of City of Pasadena requirements. Please use full City of Pasadena codes in determining code compliance)*

- All buildings combined shall not cover more than 45% of the total site area.
- Minimum 35% of the site area shall be in open space. Open space areas shall be landscaped.
- Maximum 18 units per acre and maximum 200 units per complex.
- Floor area ratio (FAR) not to exceed .4 - FAR is defined as the square foot amount of total floor area of all stories for each square foot of land area of the site for the proposed development.
- A landscaping plan shall be submitted for review by the Planning Commission.
- Site must adjoin a street that meets city minimum standards for a residential street.
- Parking areas and driveways shall be bound by concrete curbs and shall not be within 10 feet of a building used for residential purposes.
- Minimum one (1) enclosed vehicle garage for every four (4) units.
- Utilities must be underground.
- Setbacks from other multi-family projects - 50+ units must be at least 2,500 feet from other multi-family projects with 20+ units. Projects with fewer than 50 units must be at least 1,000 feet from other multi-family projects with 20+ units.
- Multi-level parking is not allowed.
- Minimum 200 feet between any waste receptacle and residential property or subdivision and all waste receptacles must be screened from street view. Show screening method on site plan.
- Must have outdoor lighting not directed toward any residential property or subdivision. Lighting is required on all drives, parking and open space of .2 foot candle illumination. (note on site plan)
- Continuous sidewalks – minimum 5’ wide, minimum 6’ wide next to parking areas when acting as a curb.
- Adequate turnarounds – Dead ends over 300 feet must have min. 40 ft. paving radius
- Minimum 12 feet between structures or minimum 35 feet when on a common courtyard.
- 10 foot greenbelt at property lines. In the greenbelt between the front property line and parking areas a continual hedge that within 2 years will reach 3 ft. in height.
- If 50 or more units adjoining residential lots – Minimum 25’ landscape buffer planted with trees no less than 6 inches in caliper.
- Two (2) parking spaces per unit (minimum 8.5’ width and 18’ depth each). May be reduced to 1.8 spaces per unit if square footage that would have been in parking is constructed as additional parking lot planters as defined by Sec. 9-196. Guest parking and handicapped parking standards shall not be reduced. Designated guest parking - 1 space per 10 units in addition to resident parking.
- Setback from residential properties and lots – 3-49 units (1 story) requires 10 ft. setback, 50-200 units (1 story) 25 ft. setback, 3-200 units (2 story) 50 ft. setback, 3-200 units (3 story) 100 ft. setback.
- No windows, patios or balconies directly overlooking residential property or subdivision.
- Three (3) stories maximum.
- 100+ units include a traffic and utility impact study by a professional engineering firm.
- Fence on all sides - minimum 7 ft. high (unless abutting residential - then minimum 8 ft.) and must be opaque except where it meets public street. A controlled access gate at a setback distance sufficient to prevent traffic congestion. Fences can have one pedestrian opening per side.
- If any 3 bedroom units, must provide playground within the open space and must show on the landscape plan.

## Sec. 9-2. - General requirements for multifamily dwellings.<sup>[2]</sup>

Every multifamily dwelling, as defined in Section 201 of the BOCA Basic Building Code\*, adopted by section 9-62, in addition to all other standards, requirements and regulations set forth in the ordinances of the city, shall comply with each and every one (1) of the following living environment requirements:

- (1) Each multifamily residential development shall be designed so that the total mass of all buildings situated upon the site shall not occupy in excess of forty-five (45) per cent of the total site area.
- (2) Each multifamily residential development shall be designed so that not less than thirty-five (35) per cent of the total site area shall be reserved for open space. "Open space" is herein defined as that area not subject to public or private easements. Said open space shall be open, unobstructed from its lowest level to the sky, and accessible to all residents of the development and of such character that it can be used for outdoor recreation activities.
  - a. On-site dry bottom drainage detention/mitigation ponds may be considered as open space if they are constructed to be accessible to all residents of the development and approved by the public works director.
  - b. Open space areas shall be landscaped with lawn, trees, and shrubs or other landscape materials. No landscaping shall be permitted within a pond except sod, hydromulch or a material approved by the engineering department.
    1. The planning commission may decline approval if due regard is not shown for preservation of natural features such as large trees, which if preserved, will add attractiveness, stability and value to the property.
    2. If the multifamily residential development contains any dwelling units with three (3) bedrooms, a portion of the open space shall be dedicated to children's playground with appropriate facilities and delineated on the landscape plan.
- (3) Each multifamily residential development shall be constructed on a site which adjoins a street constructed in compliance with minimum city specifications for residential streets in standard subdivisions. <sup>[3]</sup> Every street which adjoins a proposed multifamily residential development shall comply with such minimum city specifications.
- (4)
  - (a) Each multifamily residential development shall be so designed that all parking areas and driveways shall be bounded by concrete curbs constructed in compliance with all applicable city specifications and no such parking area or driveways shall be constructed within ten (10) feet of any building used for residential purposes. <sup>[4]</sup>
  - (b) Each multifamily residential development shall provide at least one (1) enclosed vehicular garage for every four (4) units.
- (5) All utility service to a multifamily residential development shall be underground.
- (6) Each multifamily residential development shall be designed with a maximum floor area ratio not to exceed .40. "Floor area ratio" is defined as the square foot amount of total floor area (all stories) for each square foot of land area of the site for the proposed development. For the purpose of this section, "total floor area" shall be defined as all of that area encompassed within the outside edges of all exterior walls of all buildings and each level thereof on the site. Open porches, balconies, carports, and detached garages are specifically excluded from the calculations of total floor area. In no instance, however, shall any such development exceed eighteen (18) units per acre or more than two hundred (200) units per complex.
- (7)
  - a. Each multifamily residential structure in which the entire project or complex is larger than fifty (50) units shall be at least two thousand five hundred (2,500) feet from any other multifamily residential project or complex of twenty (20) or more units.
  - b. Each multifamily residential structure in which the entire project or complex is larger than three (3) units but fifty (50) units or less shall be at least one thousand (1,000) feet from any other multifamily residential project or complex of twenty (20) or more units.

- (8) Multilevel parking shall not be allowed for multifamily residential development.
- (9) Each multifamily residential development shall maintain a distance of two hundred (200) feet between any trash bins and any residential property or subdivision.
- (10) Each multifamily residential development shall construct and maintain outdoor lighting so that no outdoor lighting will be directed toward any residential property or subdivision.
- (11) Access to all parking areas to be used by occupants of apartment buildings shall be off of the public streets and alleys.

(Code 1964, § 8-15; Code 1972, § 9-8)

(Ord. No. 17-009, § 1(Exh. A), 1-17-17)

Footnotes:

--- (2) --- Editor's note— \*Any previously adopted specific reference within this section to the BOCA Building Code, the BOCA National Building Code or the BOCA Basic Building Code is changed to read as per the relative section of the NFPA 5000 Building Construction and Safety Code. See § 9-60.

--- (3) --- Cross reference— Subdivision ordinance, App. A.

--- (4) --- Cross reference— Driveways generally, § 32-33.

### **Sec. 9-2.1. - Living environment requirement for multifamily dwellings.**<sup>[5]</sup>

Every multifamily apartment house dwelling as defined in Section 201.0 General Definitions of the 1970 BOCA Basic Building Code\*, Fifth Edition, in addition to all other standards, requirements, and regulations set forth in those applicable ordinances of the City of Pasadena, Texas shall comply with each and every one of the following living environment requirements:

- (a) Each multifamily residential development shall provide guest parking, in addition to that established off-street parking for residents, to be made available at the ratio of one (1) vehicular parking space per ten (10) residential units and explicitly designated as such.
- (b) Each multifamily residential development shall provide a continuous system of sidewalks. Such pedestrian walkways shall be constructed of concrete and a minimum of five (5) feet in width, raised sidewalks immediately adjacent to parking areas acting as a curb shall be a minimum width of six (6) feet.
- (c) Each multifamily residential development shall be designed so as to provide illumination along all drives, parking areas, open spaces, pedestrian walkways to be lighted with a minimum intensity of two-tenths (0.2) footcandles illumination.
- (d) Each multifamily residential development shall provide adequate turnarounds (culs-de-sac) with a minimum paving radius of forty (40) feet on "dead end" private drives in excess of three hundred (300) feet.
- (e) Each multifamily residential development shall be so designed that the minimum distance between any adjacent points of the structures shall not be less than twelve (12) feet. Structures which open upon a common courtyard shall contain at least thirty-five (35) feet between structures.
- (f) Each multifamily residential development shall be so constructed whereby all vehicular drives and parking areas shall be of concrete in accordance with minimum city specifications.
- (g) A ten-foot greenbelt shall be required adjacent to any property line. The greenbelt shall be landscaped and included in the landscape plan. Greenbelt areas between the front property line and parking areas shall be planted with vegetation that will form a continual hedge within two (2) years of planting or a combination of berm and plantings to reach three (3) feet in height. For each multifamily residential development containing fifty (50) or more units abutting or adjacent to any residential property or subdivision in the city, as shown by a properly recorded map or plat, shall provide a landscape buffer area no less than twenty-five (25) feet in width to be

planted with trees no less than six (6) inches in caliper of a species approved by the planning and zoning commission to screen the development from view.

- (h) All waste receptacles at a multifamily residential development shall be screened from view from the street.
- (i) Parking requirements may be reduced from two (2) spaces per unit to one and eight-tenths (1.8) spaces per unit in multifamily residential developments if the square footage that would have been in parking is constructed as additional parking lot planters as defined by Sec. 9-196. Guest parking and handicapped parking standards shall not be reduced.
- (j) Every multifamily residential development abutting or adjacent to any residential property or subdivision in the city, as shown by a properly recorded map or plat, shall be set back from the property line(s) which abut(s) the residential property or subdivision a minimum distance as follows:
  - (1) 3—49 unit complex consisting of one-story structures—Ten (10) feet;
  - (2) 50—200 unit complex consisting of one-story structures—Twenty-five (25) feet;
  - (3) 3—200 unit complex consisting of two-story structures—Fifty (50) feet; and
  - (4) 3—200 unit complex consisting of three-story structures—One hundred (100) feet.

In addition, all perimeter buildings shall be so situated on the site so that no windows, patios, or balconies shall directly overlook the residential property or subdivision.

- (k) Each multifamily residential development shall be constructed to a roof line height not to exceed three (3) stories.
- (l) Each multifamily residential development shall provide an individual washer/dryer hook up for each apartment unit.
- (m) For each multifamily residential development over one hundred (100) apartment units, the developer shall submit to the planning and zoning commission at the time of preliminary site plan approval, a traffic and utility impact study prepared by a professional engineering firm to be approved by the appropriate city departments verifying that the development shall not adversely affect traffic patterns/flows as well as water/sanitary sewer/storm sewer capabilities.

(Ord. No. 17-009, § 1(Exh. A), 1-17-17)

Footnotes:

--- (5) --- Editor's note— Any previously adopted specific reference within this section to the BOCA Building Code, the BOCA National Building Code or the BOCA Basic Building Code is changed to read as per the relative section of the NFPA 5000 Building Construction and Safety Code. See § 9-60.

### **Sec. 9-2.2. - Numbering and identification of business, residential and lodging units—Definitions.**

The following words and phrases shall have the following meanings in sections 9-2.2 through 9-2.7 unless otherwise clearly indicated in the text. Words not defined shall be interpreted in their usual sense.

*Business unit* shall mean and include any room which is generally used for business or commercial purposes.

*Family* shall mean and include one (1) or more individuals living together in a single housekeeping unit.

*Identifying number* shall mean the address number assigned by the director of public works, or where no such number is requested from or assigned by the director of public works, any number, letter or number-and-letter combination which is distinct from any such number, letter or number-letter combination used on the same premises.

*Lodging unit* shall mean and include any room, other than one (1) in a residential unit, which is generally used for sleeping purposes.

*Premises* shall mean any tract or tracts of land under common ownership, including mobile home parks. Premises shall also include the total area of any condominium or townhouse development where the owners of individual units hold all or part of the land in common.

*Residential unit* shall mean and include any building or portion thereof designed as a dwelling for a family.

Cross reference— Street numbers for buildings, § 32-3.

**Sec. 9-2.3. - Same—Directory required in certain instances.**

Whenever there are four (4) or more residential or business units on the same premises, there shall be a directory posted and maintained near the principal entrance to the premises unless an identifying number posted on each unit is clearly visible from the public street. Such directory shall indicate by map or clearly worded directions the exact location of each residential or business unit on the premises. This section shall not apply if all units on the premises are located in one (1) building which must meet the requirements of section 9-2.4(b).

**Sec. 9-2.4. - Same—Identifying number requirements; directional requirements.**

- (a) Each residential unit, each business unit and each lodging unit shall have an identifying number posted and maintained on or within eighteen (18) inches of the principal entrance to the unit.
- (b) If a building contains more than two (2) residential, business or lodging units which cannot be entered directly from outside, directions shall be posted and maintained outside the principal entrance to such building or inside such building where it is clearly visible upon entering the principal entrance to the building. Such directions shall indicate:
  - (1) The location of all units in the building by arrows, by a map, or by clearly worded directional information; or
  - (2) The location of all units on the same floor as the principal entrance and the floor on which each other unit is located. When the directions at the principal entrance simply indicate the floor on which some units are located, directions shall be posted and maintained at the elevator entrance to each floor, or if there is no elevator, at the principal stairwell entrance. Such directions shall show the location of all units on that floor by arrows, a map, or clearly worded directional information.

If it is not obvious which entrance to a building is the principal entrance, a sign clearly indicating the location of the principal entrance shall be posted and maintained on all entrances which might be confused with the principal entrance. However, two (2) or more entrances may be considered principal entrances if the person in control of the property so desires. Where two (2) or more entrances are considered principal entrances, all numbers and directories must be posted and maintained at each such entrance as though it were the only principal entrance.

- (c) If a building contains four (4) or more residential, business or lodging units, identifying numbers shall be posted and maintained at each end of said building indicating the units contained therein; provided, however, if the numbers posted at one (1) end of the building are clearly visible from a public street or private driveway, and the opposite end of the building is not visible from either a public street or a private driveway, numbers shall be required only on the end of the building that is clearly visible from the public street or private driveway.

It shall not be necessary to post the identifying numbers of all units contained in the building at the ends of said building if the numbers posted at the ends indicate the units contained in the building. (Example: Where a building contains units numbered 1 to 20, it shall be adequate to post "1—20" on the end of the building.)

The numbers required by this subsection shall be at least four (4) inches in height, shall be permanently affixed to the outside wall of the building, and shall be of a color which is in contrast to the background.

**Sec. 9-2.5. - Same—Listing of occupants not required.**

It shall not be necessary to list the occupants of any unit on any sign or directory used to comply with sections 9-2.2. through 9-2.7.

**Sec. 9-2.6. - Same—Size and location of numbers.**

All numbers which are to be posted and maintained on or within eighteen (18) inches of an entrance shall be:

- (a) Permanently affixed to the outside of the door or on the outside wall of such building or unit;
- (b) Of a color which is in contrast to the background; and
- (c) At least four (4) inches in height and within forty (40) feet of the nearest public roadway. Such numbers shall increase one (1) inch in height for each additional forty (40) feet, or fractional part thereof, from the center of the nearest public roadway.
  - (1) On residential, business or lodging units which had numbers posted on the date this section was passed, numbers at least two (2) inches in height shall meet the requirements of this section, but will be required to update when they apply for any building permit.
  - (2) On units contained in buildings where numbers are posted pursuant to section 9-2.4(c), numbers posted on or within eighteen (18) inches of the entrance of the unit shall be at least three (3) inches in height.

**Sec. 9-2.7. - Same—Responsibility for compliance; penalty.**

- (a) It shall be the responsibility of each person having control over the property to ensure that any number required to be posted and maintained on such property is so posted on such property at all times.
- (b) Charges may be filed in municipal court for violation of sections 9-2.2 through 9-2.7 upon proper complaint under the following conditions:
  - (1) Written notice has been given the person charged by a police officer or public works employee of the city either by hand delivery or by certified mail, return receipt requested.

Such notice shall inform the person that a directory must be maintained on the premises and/or identifying numbers must be posted on each lodging, business or residential unit as applicable. The notice shall also set out the requirements for such directory and/or numbers as specified in sections 9-2.2 through 9-2.7 or shall be accompanied by a copy of sections 9-2.2 through 9-2.7.
  - (2) The person charged did not comply with sections 9-2.2 through 9-2.7 within ten (10) days of the date such person received notice pursuant to subsection (1).
- (c) Any person who fails to ensure that any numbers required to be posted and maintained pursuant to sections 9-2.2 through 9-2.7 on property under his control after receiving notice as provided in subsection (b) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00) for each offense. Each day a number required to be posted under sections 9-2.2 through 9-2.7 is not so posted shall constitute a separate offense.

**Sec. 9-3. - Permit to build, alter, etc., a fence or wall.**

No fence or wall (except for barbed wire, minor repair, or replacement providing there is no change in material or location) shall be erected, enlarged, altered or moved, unless such fence or wall is completely removed, without a permit from the building official. A scaled site plan drawing indicating the location of the existing or proposed fence or wall, a statement fully describing the materials to be used as to quantity and quality, and a complete legal description of the premises involved shall be provided by the applicant.

- (1) *Residential.* The maximum allowable height shall be seven (7) feet, unless prohibited by subdivision deed restrictions. Fences shall be constructed in accordance with section 9-4(c)(1) and (2) as well as chain link or wrought iron. Any fence placed forward of the front residential building setback line shall be chain link, wrought iron, or picket fence only and shall have a maximum allowable height of four (4) feet.
- (2) *Commercial.* The maximum allowable height shall be nine (9) feet, excluding razor wire or barbed wire placed on the top of a security fence. Any fence or wall height in excess of seven (7) feet shall require an original drawing sealed by a professional engineer and shall be designed for a wind load of ninety (90) miles per hour. In the case of an opaque metal fence, no previously used materials shall be permitted and the fence shall be painted one color. All storage yards shall be enclosed with an approved opaque fence not less than seven (7) feet in height above the natural grade, with no openings to the adjoining property other than the required entrances and exits to public streets. For the purposes of this paragraph, a storage yard is defined as any commercial location visible from public view on which any used goods, wares, commodities or merchandise, whether or not intended for sale, are stored for a continuous period of thirty (30) days outside of a completely enclosed building or structure.
- (3) *Barbed wire/razor wire.* No permit shall be required to construct a two (2) or three (3) strand barbed wire pasture fence for the purpose of controlling livestock. The use of barbed wire for a fence for any other purpose shall be prohibited. Razor wire shall not be placed on a fence below six (6) feet of the natural grade.

Cross reference— Fence or wall for drive-in theaters, § 5-28; fence or wall for junkyards and automobile wrecking yards, § 17-43 et seq.; fence or wall for outside storage of used goods, wares and merchandise, § 17-68; fence or hedge required for mobile home parks, § 21-62; fences obstructing or encroaching upon streets and alleys, § 32-3; fence or wall for swimming pools, § 33-3.003 et seq.

#### **Sec. 9-4. - Fence or wall for multifamily dwelling.**

- (a) Every multifamily dwelling or apartment house, as defined in the building code adopted by section 9-62, built or constructed upon any tract or parcel of land shall be enclosed on all sides, except those abutting upon or facing a public dedicated street, with a fence or wall as described in subsection (c).
- (b) Where appropriate, one (1) pedestrian opening shall be allowed per side. The opening shall be no larger than four (4) feet in width and shall contain bollards to prevent vehicle access.
- (c) The fence or wall required by subsection (a) shall be not less than seven (7) feet in height except in those instances whereby a multifamily residential development abuts or adjoins a residential property or subdivision in the city, as shown by a properly recorded map or plat, the fence or wall shall then not be less than eight (8) feet in height, and shall be of such construction as to be opaque. Seven-foot fences shall be constructed in accordance with subsection (c)(1) and (2); eight-foot fences shall be constructed only in accordance with subsection (c)(2). The opaque portions of every fence or wall referred to herein shall be constructed in such a fashion as to be generally acceptable to those skilled in the fence building trade and may be constructed of the following materials:
  - (1) Wood boards, each measuring not less than one (1) inch thick and four (4) inches wide, of redwood, cedar, fir, pine, or combinations thereof in any alternating sequence. Alternatively, or in alternating sequence combinations with such boards, three-quarter-inch marine plywood sheets.

- (2) Masonry, concrete block, or brick on foundations as well as drop panel and tilt wall construction equivalent to city outside wall specifications, less live load which shall be designed to sustain wind gusts of up to one hundred and forty (140) miles per hour, as certified by a registered professional engineer, and as set forth in the International Building Code as now in force or hereafter amended.
- (d) Each multifamily residential development not fully enclosed by the preceding paragraphs, shall provide a perimeter fence along that side abutting or facing a public dedicated street. A controlled access gate shall be constructed at a setback distance sufficient to prevent traffic congestion from any vehicle being stopped in the public street at peak hours.

Cross reference— Subdivisions, App. A; townhouse subdivisions, App. B.

**Sec. 9-5. - Electric fences prohibited.**

It shall be unlawful for any person owning or controlling any property in the city to construct, maintain, or permit to remain on such property any fence charged with electricity. It shall further be unlawful for any person to cause any fence situated in the city to become charged with a current of electricity, or to connect any such fence with a source of electricity. In any prosecution under this section, testimony that any fence was under the control of the defendant or situated on his premises and that any person received an electric shock by coming in contact with such fence shall be prima facie evidence that such defendant caused such fence to be charged with a current of electricity and caused and permitted such fence to be connected with a source of electricity.

**Sec. 9-6. - Fences prohibited on or in drainage easements.**

No fence shall be built, constructed or erected on or inside the drainage easements of the city or on or inside the drainage easements of the Harris County Flood Control District located within the city.

**Sec. 9-7. - Minimum standards for off-street parking.**

- (a) The city hereby adopts the minimum off-street parking requirements, a copy of which is attached to the original of Ordinance No. 95-86 and marked Exhibit "A."
- (b) No building permit shall be issued for any construction, reconstruction, addition, or remodeling (exceeding fifty (50) per cent of the value of the existing improvement) which provides less than the minimum standards hereby adopted.

Cross reference— Off-street parking facilities required for mobile homes located outside mobile home park, § 21-49; off-street parking facilities in mobile home parks, § 21-66.

**Sec. 9-7.1. - Minimum construction standards for off-street parking areas.**

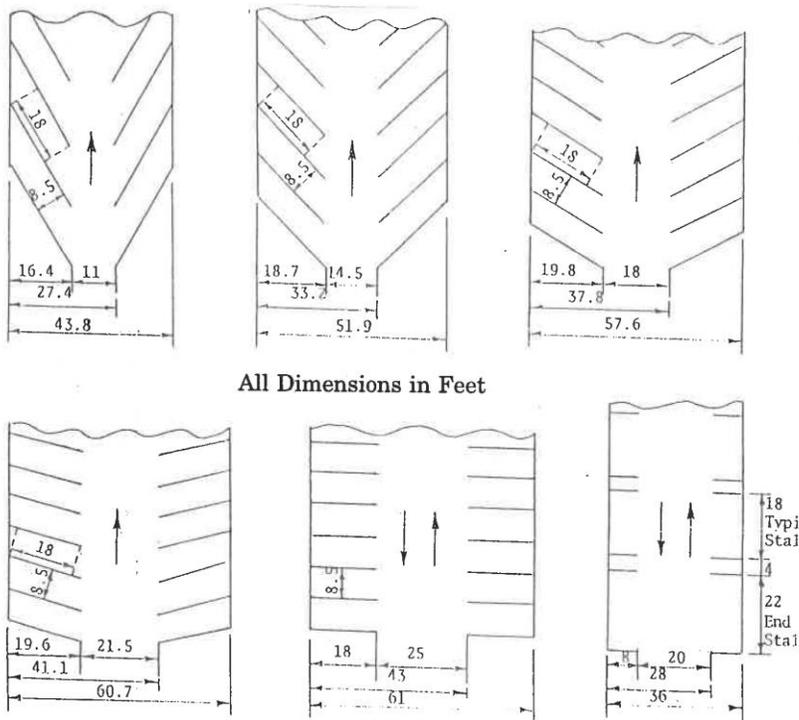
- (a) The builder shall submit to the building official, a geometric design in the form of a scaled drawing for any proposed off-street parking area, including driveway locations and details, pavement elevations and details, any existing or proposed easements and any access agreements, along with a survey plat showing the location and the size of the area for the proposed parking site and topography showing the drainage plan. The geometric drawing shall be approved by the building official before a permit shall be issued under this section for either permanent or temporary placement.
- (b) Fee for a commercial, equipment/storage yard or multifamily residential parking lot area shall be based upon twenty dollars (\$20.00) per first ten thousand (10,000) square feet and ten dollars (\$10.00) per any additional five thousand (5,000) square feet or portion thereof. Fee for a one- or two-family residential off-street parking area shall be twenty dollars (\$20.00).
- (c) All off-street parking areas shall be constructed by one (1) of the following minimum standards:

- (1) *Commercial ordinary passenger car areas.*
    - a. Five and one-half (5½) inches of 2500 PSI concrete reinforced with No. 3 rebar at (18) inches O.C.E.W. poured on a subbase compacted to ninety-five (95) per cent density; or
    - b. One and one-half (1½) inches of hot mix asphalt laid on a six-inch compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) per cent density; or
  - (2) *Commercial heavy truck lanes.* Each commercial business which provides a separate loading/docking area shall designate all delivery routes designed to facilitate delivery and/or transportation of products and such areas shall be clearly defined on the parking lot drawings. Five and one-half (5½) inches of 3000 PSI concrete reinforced with No. 4 rebar at eighteen (18) inches O.C.E.W., or three (3) inches of hot mix asphalt laid on an eight-inch compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) per cent density shall be required in these locations.
  - (3) *Equipment and storage yards.* All areas that are required to comply with parking requirements, including areas traveled by vehicles, trucks, trailers, machinery, and equipment shall be constructed from concrete or asphalt with a compacted base and/or subbase as described above. The balance shall be allowed to be constructed of six (6) inches of crushed concrete or crushed limestone with a one-inch minimum aggregate size.
  - (4) *Multifamily residential.* Five and one-half (5½) inches of 2500 PSI concrete reinforced with 3 rebar at eighteen (18) inches O.C.E.W. poured on a subbase compacted to ninety-five (95) per cent density. All pad sites constructed for commercial solid waste receptacles and solid waste truck loading and unloading operations shall be five and one-half (5½) inches of 3000 PSI concrete reinforced with No. 3 rebar at eighteen (18) inches O.C.E.W. poured on a subbase compacted to ninety-five (95) per cent density.
  - (5) *One- and two-family residential.* Three and one-half (3½) inches of 2500 PSI concrete reinforced with No. 6 wire mesh poured on a subbase compacted to ninety-five (95) per cent density and with 1"x4" redwood or treated pine expansion joints installed not to exceed twelve and one-half (12½) feet in any direction; or  
  
One and one-half (1½) inches of hot mix asphalt laid on a six-inch compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) per cent density.
- (d) All commercial off-street parking areas and equipment/storage yards not constructed of poured concrete shall be permanently held true to square by a 2"x8" treated wood form with treated stakes or by a concrete curb six (6) inches in width and having a depth that extends to the bottom of the base material. Such concrete form shall have one No. 3 rebar placed at mid-depth.
  - (e) Minimum stall and aisle width dimensions for all commercial off-street parking areas angled at 30°, 45°, 60°, 75° and 90° shall be in accordance with Exhibit "1". Parking lots shall be of such a design that no vehicle shall be required to back out of a driveway onto a public street, alley, or way or back from a street, alley, or way into a driveway.
  - (f) A six-inch curb or wheel-stop (pin or epoxy to pavement) shall be required at all parking spaces that abut a public right-of-way, property line, or building in accordance with Exhibit "2". A wheel-stop may serve two (2) parking spaces.
  - (g) All parking spaces shall be striped using four-inch wide painted lines and all handicap markings shall comply with American Disabilities Act requirements.
  - (h) Construction of an off-street parking area on a public utility easement shall be allowed. Off-street parking constructed on a public utility easement shall provide an expansion joint placed along the easement line and such parking area shall be constructed with a compacted flexible base with appropriate asphalt complying with minimum paving standards. Should any utility work become necessary within the easement, all damages shall be repaired by the owner of such property and all costs associated with such repairs shall be totally borne by the owner.

- (i) All commercial off-street parking shall have a six (6) inch curb constructed around the perimeter.
- (j) All off-street parking shall be setback a minimum of five (5) feet from the property line. Additional setbacks may be required to provide adequate drainage and obtain a maintainable side slope from five (5) feet of the structure to the existing elevation at the property line.
- (k) Driveways accessing off-street parking shall be located and constructed as to prevent wrong way traffic to and from the street right of way.
- (l) No residential or commercial driveway shall be permitted to be constructed as the continuation of a dead end street.

**OFF STREET PARKING REQUIREMENTS**  
Exhibit "1"

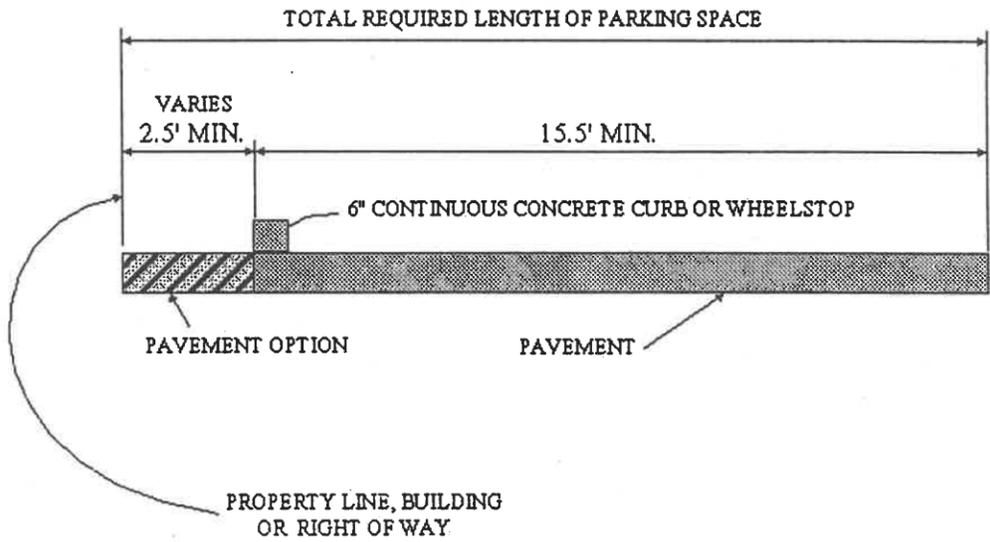
Angle of Parking (deg)	Direction of Traffic	Width of Stall (ft.)	Depth of Stall Perpendicular to Aisle (ft.)	Width of Aisle (ft.)
30	one way	8.5	16.4	11
45	one way	8.5	18.7	14.5
60	one way	8.5	19.8	18
75	one way	8.5	19.6	21.5
90	two way	8.5	18.0	25
parallel	two way	8.0	—	20



All Dimensions in Feet

Exhibit "2"

*Off-street Parking*



**Sec. 9-8. – Heavy Trucks.**

No permit shall be issued for the construction, erection, expansion, or installation of a distribution warehouse, heavy truck parking lot, heavy truck yard, or any development whose business includes a large volume of heavy trucking, if not located along a major thoroughfare and/or taking direct access from a designated truck route as listed in Ord.36-125. The following minimum standards include but are not limited to;

(a) *Ingress and Egress.* Heavy trucks shall enter and exit from the street right of way by permitted driveways located as not to interfere with or create unsafe conditions for traffic on the street. The director of public works and the traffic director shall jointly determine, upon application to be made to the director

of public works for a permit to construct a driveway as such means of ingress and egress, whether the construction of the driveway proposed in the application is necessary and safe as provided herein for such ingress and egress.

(b) *Off-street Parking Materials.* All heavy truck parking lots and yards shall be constructed at a minimum with six (6) inches of 3000 PSI concrete reinforced with No. 4 rebar at (18) eighteen inches O.C.E.W. poured on a eight-inch (8) compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) per cent standard proctor density.

(c) *Driveways.* Driveways and approaches shall be constructed to a minimum design of eight (8) inches of 3,000 PSI concrete reinforced with No. 4 rebar at eighteen (18) inches O.C. on an eight-inch compacted limestone or crushed concrete base on a subbase compacted to ninety-five (95) per cent standard proctor density. Driveway width and radii shall be such that a tractor-trailer combination can enter and exit the facility without running over curbs. Turns into or departing the facility must be made from and to a single lane and not encroach oncoming traffic.

(d) *Traffic control.* A traffic impact analysis (TIA) shall be submitted, as outlined in section 9-195 and in conformance with the traffic and transportation department's TIA requirements. Improvements to the existing road facility or container yard by the developer will be required such that the TIA shall show no impact to occur as a result of the heavy truck development. No impact is defined as any degradation of the "level of service" as defined and calculated by the Highway Capacity Manual. Examples of required improvements include but are not limited to construction of dedicated left and right turn lanes, construction of acceleration and/or deceleration lanes, and traffic signal installation or modernization. The traffic generated shall be channeled and controlled in a manner that will mitigate any congestion on public streets, increased safety hazard or cause additional traffic through residential areas. Vehicular access points shall be limited, shall create a minimum of conflict with traffic movements, and shall be subject to the approval of the departments of traffic and transportation, public works and engineering and planning. Vehicular ingress lanes shall be large enough to accommodate peak use on the same lot without requiring the stopping or waiting of vehicles on public rights-of-way.

(e) *Turn Arounds.* All heavy truck developments shall provide truck turn arounds on the property. No permit shall be issued allowing for backing into or from the street right of way.

(f) *Setbacks.* The minimum setback for all structures and parking areas shall be twenty-five (25) feet from the front, side and back lot line. All front fencing shall be a minimum of twenty-five (25) feet from the front lot line and a buffer area shall be planted.

No buildings, parking areas, loading docks, outside storage, or refuse containers will be allowed in such setback areas. These areas are to be landscaped with trees, shrubs and ground cover, with a planting plan required to be submitted and approved by the planning department.

(f) A floodplain development permit and site plan permit shall be approved prior to applying for a building permit.

(g) No permit shall be issued for a truck parking lot or truck yard within a residential subdivision.

No certificate of occupancy will be issued that does not meet the minimum requirements listed above.

### **Sec. 9-9. - Plat filing fees.**

Prior to the preparation of the preliminary plat, the developer may seek the advice of the planning department or the planning commission, in order to determine the feasibility of the proposal before substantial expense is incurred, to acquaint him with any plans and requirements for the area and the availability of utilities and sewer that the proposed development meets the primary objectives of this chapter. A filing fee according to chapter 28, article IV, section 28-46 shall be paid by the developer for review of the project and shall not be refundable, in whole or in part. All fees shall be made payable to the City of Pasadena. Upon submittal of a preliminary and a final plat, a filing fee according to chapter 28,

article IV, section 28-46 shall be paid by the developer for review of the project and shall not be refundable, in whole or in part, whether approval is granted or not. All fees shall be made payable to the City of Pasadena.

(Ord. No. 18-102, § 2, 8-21-18)

**Sec. 9-10. - Notice of deed restrictions upon conveyance.**

(a) In this section the following words and terms shall have the meaning herein ascribed:

- (1) *Deed restrictions* shall have the meaning ascribed to the word "restriction" in section 230.002 of the Local Government Code, as amended, and section 9-1(b), Code of Ordinances, provided that it shall not be deemed to include any restrictions that by their express provisions have terminated or any provisions contained within any restrictions to the extent and only to the extent that the provisions restrict the sale, rental, or use of property on the basis of race, color, religion, sex or national origin.
- (2) *Sale or conveyance* means any transfer of any lot, tract or parcel of real property subject to deed restrictions that is situated in whole or in part within the corporate limits of the city, except:
  - a. A conveyance by trustee's or substitute trustee's deed to the lienholder pursuant to a foreclosure sale;
  - b. A conveyance by deed to the lienholder in full or partial satisfaction of a debt secured by the property conveyed;
  - c. A deed of trust conveyed to secure a lien;
  - d. An auction sale conducted by a public official pursuant to an order of a court of competent jurisdiction; or
  - e. A conveyance in which the purchaser is a governmental entity.

Without limitation, the term shall include an executory contract of purchase and sale having a performance period of more than six (6) months.

- (3) *Purchaser* shall mean each person who constitutes a grantee, purchaser, buyer, or transferee in a sale or conveyance, regardless of the amount or nature of the consideration received.
  - (4) *Seller* shall mean each person who constitutes a seller, grantor or transferor in a sale or conveyance, regardless of the amount or nature of the consideration received.
- (b) It shall be the duty of each seller to ensure that each buyer receives in connection with each sale or conveyance notice issued in accordance with the terms of this section in the form of Exhibit "A" <sup>(6)</sup>, Notice to Purchaser(s), to this ordinance [Ordinance No. 90-6], which exhibit is incorporated herein by reference. The following procedure shall be followed in the giving and recording of the notice:
- (1) The notice shall be given to each purchaser at the final closing of the sale and purchase; provided, however, seller may provide the notice prior to closing;
  - (2) Each seller and each purchaser shall sign and acknowledge the notice; and
  - (3) Following the execution, acknowledgment and closing of the sale and purchase, the notice shall be recorded in the real property records of Harris County.
- (c) The failure of any seller to comply with this section shall constitute a misdemeanor punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each person who constitutes a seller shall be criminally responsible and each sale or conveyance in which the seller has failed to comply with this section shall constitute a separate offense.
- (d) This section does not limit the seller's right to recover a penalty, or any part of a penalty, imposed pursuant to subsection (c) from a third party for the negligent failure to obtain the execution or proper recordation of the notice.

- (e) The failure of the seller to comply with this section shall not affect the validity or enforceability of the sale or conveyance of the restricted property or the validity of enforceability of restrictions covering the property.

Footnotes:

--- (6) --- **Editor's note**— Exhibit "A" is not set out herein, but is on file and available for inspection in the offices of the city.

**Sec. 9-11. - Bond and insurance for multifamily residential development.**

- (a) No permit shall be issued for the construction of any multifamily residential housing complex over one hundred (100) dwelling units unless a bond or irrevocable letter of credit in favor of the City of Pasadena in the amount of one million dollars is furnished to the City of Pasadena as a guaranty of compliance with this chapter to ensure accountability for upkeep and maintenance, and other applicable law, including but not limited to, demolition of buildings, and such other remedial measures as may be necessary to guaranty full and constant compliance with all applicable laws. Such bond shall be kept in full force and effect by all subsequent owners of the complex. Failure of the owner or any subsequent owners to maintain such bond shall cause the revocation of the certificate of occupancy for such complex or structure therein.
- (b) No permit shall issue for the construction of any multifamily residential housing complex over one hundred (100) dwelling units unless there is in force and effect a comprehensive general liability insurance policy, with the City of Pasadena named as additional insured, in the amount of two (2) million dollars for such complex. Such insurance policy shall remain in effect during the life of the structure, including all times that it is inhabited. Failure of the owner or any subsequent owner to maintain such insurance shall cause the revocation of the certificate of occupancy for such structure.

**Secs. 9-12—9-20. - Reserved.**