

PATIO HOME ORDINANCE



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

APPENDIX C - PATIO HOME SUBDIVISIONS*

ORDINANCE NO. 91-36

AN ORDINANCE AMENDING APPENDIX C, PATIO HOME SUBDIVISION, OF THE BASIC SUBDIVISION ORDINANCE NO. 67-1966, PASADENA CODE OF ORDINANCES FOR THE PURPOSE OF REGULATING SUCH CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Ordinance No. 81-48 created certain patio home subdivision regulations, and Ordinance No. 83-354 revised those patio home subdivision regulations; and

WHEREAS, innovative residential design and land use flexibility are necessary in order to utilize urban land more efficiently; and

WHEREAS, maximizing choices in the types of environment and living units available to the public will further promote the general welfare, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

Section 1. That Appendix C, Patio Home Subdivision, of the Basic Subdivision Ordinance No. 67-1966, Pasadena Code of Ordinances is hereby amended in its entirety as set forth attached hereto and incorporated herein for all purposes:

APPENDIX C
PATIO HOME SUBDIVISIONS

Definitions.

Words and phrases given special definitions as contained in this ordinance are defined as follows. Words or phrases not specifically defined herein shall be in accordance with the accepted meaning as used in context with the pertinent subject or as further defined in other ordinances or resolutions passed by the city council.

Common open space. The term "common open space" shall mean land set aside for the use by all subdivision residents for active and/or passive recreation.

Lot coverage. The term "lot coverage" shall refer to that per cent of land on a patio home lot covered by buildings, carports, garages, and driveway(s) necessary for required parking.

Nonzero lot line patio home. The term "nonzero lot line patio home" shall mean a detached, single-family dwelling located on an individual lot with one side of the foundation slab not more than twenty-four (24) inches from a side lot line, save and

except, specific corner lots and plat boundary lots which abut other private property as established in this ordinance. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, zero lot line wall or privacy wall of a neighboring dwelling and other fences or walls.

Patio area. The term "patio area" shall mean that private enclosed open space not visible from the street and oriented toward one side of a patio home, extending to include the side and rear portion of the lot, as well as that portion of the adjoining lot between the privacy wall and side lot line (in the case of a nonzero lot line structure), and enclosed on all sides by building walls or fences.

Patio home subdivision. The term "patio home subdivision" shall refer to those developments in which it is proposed to partition land into individual lots of a size smaller than required elsewhere in the subdivision ordinance, for the purpose of constructing patio homes. A patio home subdivision shall include a minimum of eight (8) contiguous lots.

Privacy wall. The term "privacy wall" shall mean that wall of a nonzero lot line patio home or garage which is no more than twenty-four (24) inches from a side lot line.

Zero lot line/zero lot line wall. The term "zero lot line/zero lot line wall" shall refer to that situation whereby the side lot line is coincident with a patio home wall.

Zero lot line patio home. The term "zero lot line patio home" shall mean a detached, single-family dwelling located on an individual lot with one side of the foundation slab coincident with a side lot line, save and except, specific corner lots and plat boundary lots which abut other private property as established in this ordinance. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, zero lot line wall or privacy wall of a neighboring dwelling and other fences or walls.

Minimum requirements.

Any person proposing or intending to develop a patio home subdivision within the City of Pasadena, shall, before any building permits are issued, cause a plat to be recorded in the map records of the county clerk of Harris County, Texas, in conformance with the latest city planning and zoning commission's rules for land subdivision, except for the following requirements:

- (A) *Lot, Building Size Minimum Requirements.* The minimum size lot to be permitted in a patio home subdivision shall be five thousand (5,000) square feet, and a patio home shall contain a minimum of eight hundred (800) square feet of livable space. Lot coverage shall not exceed fifty (50) per cent of the total lot. The minimum lot width shall be fifty (50) feet at the building line.

- (B) *Common open space.* Each patio home subdivision containing twenty-five (25) acres or more, whether approved under one plat or phased development, shall at that time provide a park reserve equivalent to eight (8) per cent of the then total gross site area. The location and configuration of said park reserve shall be subject to approval by the planning and zoning commission and delineated on the recorded plat. The city shall, within six (6) months from the recording date of said plat, enter an order for payment to the subdivider of at least ten (10) per cent of the appraised fair market value of said reserve and shall pay the balance plus interest, within one year thereafter. In the event the city fails to exercise the purchase option, after six (6) months, the developer may submit at no additional charge, a plat for the development of the released park reserve. Common open space in patio home subdivisions may be owned by all property owners of the subdivision and maintained by a homeowners association as established in accordance with this ordinance.
- (C) *Building lines.* The front setback to the livable area of an interior lot patio home or side loaded garage shall be no less than twenty (20) feet from the right-of-way line of a public street. Garages or carports front loaded by a driveway shall be no less than twenty-five (25) feet from the right-of-way line of a public street. On corner lots, the side setback to the livable area of a patio home or side loaded garage shall be no less than fifteen (15) feet from the right-of-way line of a public street. Patio homes and detached structures on a patio home lot shall be set back no less than eight (8) feet from the rear property line along a shared utility easement or sixteen (16) feet along a peripheral lot. Side setback lines for both zero and nonzero lot line patio homes with garages/carports shall maintain a minimum size yard separation of ten (10) feet between the walls of adjacent patio homes. Side setback lines shall be indicated by building limit lines on the subdivision plat. Adjoining lots shall not have common zero lot line walls or adjacent privacy walls. In that specific instance whereby a patio home lot abuts another private property, a building line of five (5) feet shall be required. A detached structure or outbuilding to be utilized exclusively as a shed, storage area or other such nonresidential use and located on the same lot with a patio home, shall be constructed no closer than five (5) feet to the side lot line of the adjoining property.
- (D) *Zero lot line wall.* In a zero lot line patio home, no openings for access, light, or air shall be directly permitted in the zero lot line wall of a patio home. Wood veneer shall not be permitted for zero lot line walls, which shall be built with brick or masonry materials. No portion of the dwelling or any architectural features (i.e., sills, facias, soffits, eaves, gutters, etc.) shall project over any property line.
- (E) *Privacy wall.* In a nonzero lot line patio home, no openings for access or light shall be directly permitted for privacy walls, which shall be built with

brick or masonry materials. No portion of the dwelling or any architectural features (i.e., sills, facias, soffits, eaves, gutters, etc.) shall project over any property line.

- (F) *Building height.* No patio home shall exceed thirty-six (36) feet in height.
- (G) *Lot fencing.* Solid (opaque) walls or fences of wood, masonry or other durable, suitable materials shall extend the full length of the rear lot line as well as those portions of the front building line behind the front wall of a patio home. In a zero lot line patio home, the fence or wall shall extend along the side lot line behind the zero lot line wall to the rear lot line. In a nonzero lot line patio home, the fence or wall shall extend from the rearmost corner of the privacy wall in a perpendicular direction to the side lot line and then extend along the side lot line to the rear lot line. Chain link fences using opaque slats are expressly prohibited. Fences or walls shall be a minimum of seven (7) feet in height. On corner lots; fencing shall be required along the building setback lines.
- (H) *Patios.* The enclosed private open space (patio area) of a patio home shall be oriented toward one side of the home and may extend to include the rear area of the lot. The "patio area" shall contain a minimum of one thousand (1,000) square feet and be enclosed entirely on the dwelling wall, privacy wall or zero lot line wall of the neighboring dwelling, and other lot fencing. In nonzero lot line patio homes, the patio area includes that portion of the neighboring lot abutting the privacy wall.
- (I) *Garage and driveway requirements.* All patio homes shall provide for a garage or carport. Where a carport is utilized, such shall not be constructed within twenty-five (25) feet from the right-of-way line of a public street and shall be screened from the street view by a garage-type door. Driveways shall be concrete and of such design to accommodate two (2) vehicular off-street parking spaces on each lot exclusive of the garage/carport area. In no instance, shall a driveway exceed twenty-five (25) feet in width.
- (J) *Lot drainage.* Topography of the finished, graded lot shall be so designed as to divert surface runoff away from all dwelling units. The builder or developer of a patio home shall provide the city permit division with a site plan indicating that system by which drainage will be provided for each lot.
- (K) *Roof drainage.* In a zero lot line patio home, the structure should be architecturally designed so that water does not drain from the roof to the zero lot line side. In a nonzero lot line patio home where the roof slopes toward the privacy wall side, an adequate stormwater gutter system shall be provided.

- (L) *Utilities and easements.* All utilities shall be underground and utility easements shall be as required by the utility companies serving the subdivision. A side easement extending no more than five (5) feet from the privacy wall or zero lot line wall into the patio area of the neighboring lot shall be required and shall be used for maintenance and drainage purposes.

(Ord. No. 00-34, § 1, 3-14-00)

Ownership and maintenance.

Approval of a patio home subdivision shall not be granted until the developer provides, in addition to the final plat, the following:

- (1) A declaration of protective covenants and restrictions applicable to the land within the subdivision.
- (2) The articles of incorporation and bylaws of a homeowners association if applicable, for a patio home subdivision whereby common open space is to be provided for the residents.

Such instruments shall be approved by the planning and zoning commission prior to recording any instrument. In those instances whereby common open area is to be provided, said necessary protective covenants, restrictions, articles of incorporation and bylaws shall be determined by the developer, but shall contain as a minimum a clearly defined liability or responsibility of the individual property owner or the homeowners association for the following:

- (1) Any joint operations and maintenance of utilities.
- (2) Liability insurance.
- (3) Tax obligations on the properties.
- (4) Property rights in the common properties.
- (5) Membership, transition, and voting rights in the homeowners association.
- (6) Assessments or dues.
- (7) Maintenance, repair or replacement of masonry-like walls and wood fences adjacent to common property lines.
- (8) Maintenance of walks, recreation areas, and parking areas.

- (9) Maintenance of landscaped area on public right-of-way within the subdivisions.

A homeowners association shall be defined as an incorporated, nonprofit organization operating under a recorded land agreement running with the land through which:

- (1) Each lot owner is automatically a member; and
- (2) Each lot is automatically subject to an annual assessment for a proportionate share of the expense for the organization's activities. The articles of incorporation and bylaws should clearly state if the homeowners association has the power to dissolve itself at a later date, and the disposition of the common areas at the time of dissolution. In addition, the sale and conveyance of the homes by deed shall confirm the rights and duties which are provided above.

Limitations

- (A) The provisions and exceptions cited in these regulations shall apply only to those developments which fall within the definition of a patio home subdivision.
- (B) This article shall not be construed to permit more than two (2) single-family dwellings to be constructed on adjacent lots without the observance of the total required side yard between same.
- (C) The dedication on the plat shall carry the following certification:

"It is hereby covenanted and agreed with each lot owner, with the City of Pasadena, and the Pasadena Planning and Zoning Commission that this subdivision shall be restricted to patio homes only and developed to conform in all ways with the rules and regulations of said commission last adopted by it prior to this date, and upon which basis this plat is approved."

Section 2. That the city council of the City of Pasadena, Texas, does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, word, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that, in such event the city council would have passed and ordained any and all remaining portion of this ordinance without the inclusion of that portion or portions which may be found to be unconstitutional or invalid, and declares that its intent is to make no portion of this ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 3. That all ordinances in force when this ordinance becomes effective which are inconsistent with or are in conflict with this ordinance are hereby repealed insofar as said ordinance is inconsistent with or are in conflict with this ordinance.

Section 4. That all rights and remedies which have accrued in favor of the city under this ordinance and amendments thereto shall be and are preserved for the benefits of the city.

PASSED ON FIRST READING by the city council of the City of Pasadena, Texas, in regular meeting in the City Hall this the 19th day of February, A.D., 1991.

APPROVED this the 19th day of February A.D., 1991.

JOHN RAY HARRISON,
MAYOR OF THE CITY
OF PASADENA, TEXAS

ATTEST:

APPROVED:

PAN RAMEY
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the city council of the City of Pasadena, Texas, in regular meeting in the City Hall this the 26th day of February, A.D., 1991.

APPROVED this the 26th day of February, A.D., 1991.

JOHN RAY HARRISON,
MAYOR OF THE CITY
OF PASADENA, TEXAS

ATTEST:

APPROVED:

PAN RAMEY
CITY SECRETARY
CITY OF PASADENA, TEXAS

LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS

***Editor's note:** Ordinance No. 91-36, adopted Feb. 26, 1991, pertaining to patio home subdivisions, amended App. C in its entirety to read as herein set out. Prior to such ordinance, App. C pertained to similar subject matter and was derived from Ord. No. 81-48, adopted March 10, 1981, as amended by Ord. No. 83-354, §§ 1, 2, adopted Nov. 29, 1983.

Cross references: Buildings and building regulations, Ch. 9; fence or wall for multifamily dwelling or apartment house abutting or adjacent to a residential subdivision, § 9-4; buildings and structures to conform to setback requirements of recorded subdivisions plats, § 9-77; standards for residential condominium development, § 9-171 et seq., planning, Ch. 28; streets and sidewalks, Ch. 32; basic subdivision ordinance, App. A; townhouse subdivisions, App. B.