

8/6/19
agenda

AGENDA REQUEST

ORDINANCE RESOLUTION

2G

NO: 2019-131

AN ORDINANCE AMENDING THE PASADENA CODE OF ORDINANCES, CHAPTER 9, ARTICLE I, SEC. 9-2; CHAPTER 9, ARTICLE X. SEC. 9-200; AND APPENDIX A - BASIC SUBDIVISION ORDINANCE, ARTICLE II, SEC. 11 AND SEC. 13, FOR THE PURPOSE OF CLARIFYING REQUIREMENTS FOR PLAT AND SITE PLAN REVIEW BY THE CITY OF PASADENA PLANNING AND ZONING COMMISSION.

RECOMMENDATIONS & JUSTIFICATION: The current procedures for site plan and plat review by the Planning Commission are outdated and unclear.

It is recommended that the proposed changes be adopted as part of the Code of Ordinances of the City of Pasadena, Texas. It is also recommended that the adoption take place as of September 1, 2019.

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED:

COUNCIL DISTRICT(S) AFFECTED: All

REQUIRES APPROPRIATION:

See attached Certification

		COUNCIL ACTION	
Deanna H. Schmidt REQUESTING PARTY (TYPED)	DATE: 7/24/19	FIRST READING:	FINAL READING:
BUDGET DEPARTMENT		<u>Casados</u> MOTION	<u>Boss</u> MOTION
PURCHASING DEPARTMENT		<u>Harrison</u> SECOND	<u>Wheeler</u> SECOND
APPROVED:			
CITY ATTORNEY		<u>8-6-19</u> DATE	<u>8-20-19</u> DATE
MAYOR	<u>J. George</u>	DEFERRED:	

AN ORDINANCE AMENDING THE PASADENA CODE OF ORDINANCES, CHAPTER 9, ARTICLE I, SEC. 9-2; CHAPTER 9, ARTICLE X. SEC. 9-200; AND APPENDIX A - BASIC SUBDIVISION ORDINANCE, ARTICLE II, SEC. 11 AND SEC. 13, FOR THE PURPOSE OF CLARIFYING REQUIREMENTS FOR PLAT AND SITE PLAN REVIEW BY THE CITY OF PASADENA PLANNING AND ZONING COMMISSION, providing a repealing clause; providing a savings clause; providing for severability; and providing a penalty.

WHEREAS, the procedures for the review of site plans and plats by the Planning and Zoning Commission and the Planning Department require updating and clarification; and

WHEREAS, more clearly defined procedures will facilitate land development; NOW, THEREFORE,

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

SECTION 1. That Chapter 9, Article I. Section 9.2 General requirements for multifamily dwellings, Pasadena Code of Ordinances is hereby amended by adding (12) Multifamily site development plan approval, as follows:

(12) Multifamily site development plan approval.

(a) Approval of a multifamily development is required for: (i) New construction of multifamily residential buildings, and (ii) Amendments to existing site development plans that involve changes to the site related to building layout, building elevations, traffic circulation, or other changes that materially alter the site, as determined by the planning director.

(b) The planning director may publish application materials for the requirements established in this section.

(c) The applicant shall file application for site development approval with the planning and zoning commission.

(d) An application is considered filed upon the occurrence of all the following: (i) City staff have determined that all required application materials are included and all required filing fees are paid; (ii) City staff and the city engineer have determined that it meets the requirements of applicable city ordinances so that it may be reviewed by the planning and zoning commission. The planning director may allow the application to be filed subject to technical corrections and variance request; (iii) The application has been placed on an agenda for planning and zoning commission; and (iv) The planning and zoning commission agenda has been posted as required by law.

SECTION 2. That Chapter 9, Article 10. Section 9-200(a), Pasadena Code of Ordinances is hereby amended by adding 9-200(a)(7), (8) and (9) and amending 9-200(c) so that Section 9-200 shall read hereinafter as follows:

Sec. 9-200. - Site plan requirements, approval, appellate procedures.

(a) At the time of application for a building permit, a site plan and landscape plan shall be filed with the planning department for review and approval. The plans shall at a minimum include:

- (1) Plat or parcel boundaries drawn on a map of suitable scale showing property dimensions.
- (2) Location and dimensions of all proposed structures, driveways, parking spaces and other vehicular use areas, internal service drives and easements.
- (3) Location of existing trees, proposed landscape areas and layout showing placement and spacing of plants.
- (4) Plant list including type, size, variety and number of plants.
- (5) Use and placement of inert architectural material within landscape areas.
- (6) Landscape irrigation plan or exterior plumbing hose bib locations.
- (7) Location and screening of service, loading and storage areas including refuse facilities and dumpsters.

- (8) Locations of above-ground existing and proposed physical features such as utility poles, fire hydrants, bollards, signs, and other features.
- (9) Table of existing and proposed required parking based on on-site uses.

(b) An exemption from the tree or planter requirement may be granted by the director of planning only:

- (1) If existing trees are to be preserved which can be substituted for required trees; or
- (2) If a drainage retention area, required by Harris County Flood Control District, is landscaped to fulfill the same square footage requirements.

(c) Appeal of any other requirement set forth herein shall be filed with the planning commission. The appellant shall clearly state in detail what adjustments are requested and propose an alternative landscape plan.

- (1) An appeal shall be considered filed upon the occurrence of all the following: (a) City staff has determined that it meets requirements for appeal as determined by the planning director so that it may be reviewed by the planning commission, (b) The appropriate fee has been paid, (c) The appeal has been placed on an agenda for the planning commission, and (d) the planning and zoning commission agenda has been posted as required by law.
- (2) The planning commission may grant approval of the alternative landscape plan if found to be in compliance with accomplishing the basic intent and purpose.

(d) Prior to issuing a certificate of occupancy the site shall be in accordance with the plans.

SECTION 3. That Appendix A – Basic Subdivision Ordinance, Pasadena Code of Ordinances, is hereby amended by adding Article II. Section 11A.(4) and Section 13A.(10), to hereinafter read as follows:

ARTICLE II. PROCEDURE

Section 11. Preliminary Plat Conditional Approval.

A. Filing Procedure.

(4) A preliminary plat shall be considered filed and a certificate of filing issued upon the occurrence of all the following: (a) City staff and city engineer have determined that it meets all requirements of applicable city ordinances so that it may be reviewed by the Planning Commission, (b) The submittal has been placed on an agenda for the Planning Commission, and (c) the Planning Commission agenda has been posted as required by law.

Section 13. Final Plat Approval.

A. Filing Procedure.

(10) A final plat shall be considered filed upon the occurrence of all the following: (a) City staff and city engineer have determined that it meets all requirements of applicable city ordinances so that it may be reviewed by the Planning Commission, (b) The submittal has been placed on an agenda for the Planning Commission, and (c) the Planning Commission agenda has been posted as required by law.

SECTION 4. That Appendix A - Basic Subdivision Ordinance, Article II.

Section 13 A (3), Pasadena Code of Ordinances is hereby amended by replacing the word "filing" with the word "submittal" in Section 13A.(3) so that Section 13A.(3) of Appendix A - Basic Subdivision Ordinance shall read hereinafter as follows:

(3) The subdivider shall submit the following data at the time of submittal of the final plat:

- a. Tax certificate from the assessor and collector of the City of Pasadena, Texas, within whose jurisdiction the proposed subdivision lies to the effect that all City of Pasadena ad valorem taxes have been paid on the land included within the subdivision.
- b. Utility certificate from appropriate director of public works or engineer approving the proposed utilities layout and indicating that adequate service is available to the subdivision.

c. Site improvement data. Three (3) prints of the final, sealed engineering drawings for the subdivision which shall contain the following data;

(1) Streets, alleys, sidewalks, crosswalks, and monument plans and profiles with data outlined in Exhibit A.

(2) Storm drainage data and proposed drainage structures, water lines and other water facilities, sanitary sewers and sewerage facilities including calculation, plans and profile using design data outlined in Exhibit A.

SECTION 5. 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 benefit of the City.

SECTION 6. That all ordinances in force when this ordinance becomes effective and which are inconsistent or in conflict herewith are hereby repealed insofar as such ordinances are inconsistent or in conflict with this ordinance. That, except as herein amended, the Pasadena Code of Ordinances shall remain in full force and effect.

SECTION 7. 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, the City Council would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so 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 8. Any person violating any provision of this Ordinance within the corporate limits of the City of Pasadena, Texas, shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this Ordinance.

SECTION 9. That the provisions of this Ordinance shall take effect September 1, 2019.

SECTION 10. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

PASSED ON FIRST READING by the City Council of the City of Pasadena,
Texas in regular meeting in the City Hall this the 6th day of
August, A.D., 2019.

Jeff A. Wagner
JEFF A. WAGNER, MAYOR OF
THE CITY OF PASADENA, TEXAS

ATTEST:

Linda Rorick
LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

APPROVED:

Lee Clark
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 20th day
of August. A.D., 2019.

Jeff A. Wagner
JEFF A. WAGNER, MAYOR OF
THE CITY OF PASADENA, TEXAS

ATTEST:

Linda Rorick
LINDA RORICK
CITY SECRETARY
CITY OF PASADENA, TEXAS

APPROVED:

Lee Clark
LEE CLARK
CITY ATTORNEY
CITY OF PASADENA, TEXAS