

# **CONTAINER STORAGE YARD AND CHASSIS YARD ORDINANCE**



**CITY OF PASADENA  
PLANNING DEPARTMENT  
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## **ARTICLE I. CONTAINER AND CHASSIS YARD STANDARDS**

### **Sec. 17-1. Purpose.**

The following development standards shall apply to container and chassis yards. The standards of this division are intended to ensure container and chassis yards operate in a manner that protects the public health, safety and general welfare, minimizes development impacts and does not produce adverse effects on nearby properties or the community at large.

(Ord. No. 07-30, § 2, 2-20-07)

### **Sec. 17-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chassis* shall refer to skeletal equipment, flatbed or other vehicle furnished by ocean carrier for transport of its containers.

*Chassis storage* is the service of providing open storage space for vessel-owned or controlled chassis in idle status.

*Container* means a portable compartment or item of equipment used for the repeated carriage of cargo in bulk or package form. Containers shall meet the standards, regulations, specifications and guidelines of the following organizations: International Maritime Organizations (IMO), U.S. Department of Transportation (DOT), Transport Canada (TC), Association of American Railroads (AAR), International Standards Organization (ISO), and the Convention for Safe Containers (CSC). The International Organization for Standardization (ISO) defines a container to have the following characteristics: (a) of a permanent character and accordingly strong enough for repeated use, (b) specially designed to facilitate the carriage of goods by one or more modes of transport with or without intermediate reloading, (c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another, and (d) so designed as to be easy to fill and empty. The term shipping, storage or intermodal container includes all types involved in the maritime, railroad, and trucking industries and may be ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, 8'0" or 8'6" in width, and 8'6" or 9'6" in height typically, but may be of any length, width or height, including but not limited to general purpose (dry cargo), freight, tank, flatrack or platform, vehicle rack, portable liquid rack, open top, canvas top, refrigerated (reefer), ventilated, insulated or thermal, half-height, high cube, roll-off, bulk, intermediate bulk (IBC), pallet, super sack, tote and similar named containers. The term applies to new, used, certificated, documented, licensed, repaired or surplus containers constructed of any material. Features common to containers include collapsible, covers, EMI/RFI shielding, handles, hazardous materials storage, locking or restricted access, stackable and wheels.

*Container yard* means the specific location or materials handling/storage facility where containers are assembled, held or stored and where containers loaded with

goods are received or delivered. A container yard may accommodate, in whole or in part, the storage, holding, handling, assembly, staging, cleaning and repair of containers.

*Chassis yard* is an area used for chassis storage, staging or assembly.

*Natural area* means a site having valuable or vulnerable natural resources, ecological processes or rare, threatened or endangered species of vegetation or wildlife.

*Nature reserve* is a protected area of importance for wildlife, flora, fauna or features of geological or other special interest, which is reserved and managed for conservation and to provide special opportunities for study or research. Nature reserves may be designated by government institutions or by private landowners, such as charities and research institutions, regardless of nationality. This includes the Armand Bayou Nature Center and other natural areas dedicated to remain open space areas.

*Open space area* means a land or water area for human use and enjoyment that is relatively free of man-made structures.

*Parks* refer to land or water parks owned by the city, county, state or political subdivision.

*School* refers to an educational institution or facility where instruction is given. (Ord. No. 07-30, § 2, 2-20-07)

### **Sec. 17-3. Container and chassis yard standards.**

The following standards and requirements shall apply to all container or chassis storage yards or any combination thereof.

- (a) The minimum acreage required for the development of a container and/or chassis yard shall be twenty-five (25) acres.
- (b) Container and/or chassis yards shall be a minimum of one thousand (1,000) feet from the closest property line of a residential or commercial land use, schools, parks and nature reserves.
- (c) Container and/or chassis yards shall be no closer than 300 feet from the banks of any watercourse, FEMA one (1) percent floodplain, or edge of the wetlands in a riparian corridor.
- (d) The front setback for structures is fifty (50) feet.
- (e) The rear setback for structures is fifty (50) feet.
- (f) The side setback for structures is thirty (30) feet.
- (g) The minimum setback for container and/or chassis yards shall be twenty (20) feet from the front lot line. All front fencing shall be a minimum of twenty (20) feet from the front lot line and a buffer area shall be planted.

- (h) 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.
- (i) Side and rear yard setbacks may be reduced to zero if adjacent to railroad right-of-way or rail service spurs.
- (j) A minimum seven-foot high perimeter fence or wall shall completely enclose and secure the container and/or chassis yard.
- (k) No object, including but not limited to landscaping, fence, building, vehicle or sign shall be located in the sight triangle, as defined in section 31-3(21) of the Code of Ordinances of the City of Pasadena, Texas and in such a manner as to obstruct traffic visibility at a level between three (3) feet and six (6) feet as measured above adjacent road grade.
- (l) The maximum stacking height for containers and chassis is thirty-six (36) feet.
- (m) Containers shall not be stacked higher than four (4) containers in height.
- (n) Containers will be stacked in a "pyramid" appearance along the front of the site. Corner lots shall be treated as having two front property lines. The initial row shall not exceed two (2) containers in height, with each successive interior row gaining one (1) container in height to a maximum of four (4) containers in height. For the sides beyond the front area, the "pyramid" appearance shall not be required.
- (o) Container and/or chassis yards shall have improved, paved surfaces with internal drainage collection, including but not limited to wastewater, stormwater or any other substance or liquid, and minimum twenty-foot wide drive aisles, with all overhead obstructions being a minimum height of 14'6". On-site buried storm sewer piping may be required and site shall be sloped to drain away from all property lines toward center of site.
- (p) Commercial truck and trailer parking and access shall have the following minimum requirements:
  1. Commercial truck and trailer parking and access shall have a minimum improved surface constructed of six (6) 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.
  2. 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.

3. The standard eighteen (18) inches square saw cut into the street will be required with a monolithic twelve (12) inch deep by twenty-four (24) inch beam extending under the existing street by a minimum of six (6) inches with a minimum of four (4) horizontal No. 4 rebar and No. 3 rebar stirrups spaced at a minimum distance eighteen (18) inches O.C.
  4. Certain streets, roads or highways may require Driveway/Approach permits with Harris County, TxDOT and/or the Harris County Toll Road Authority.
  5. On-site stormwater detention may be required as determined by the City of Pasadena Public Works Department and/or Harris County Flood Control District.
- (q) Maintenance, cleaning and repair facilities shall meet all current federal, state, and local codes and regulations. All containers to be stored in empty condition must be cleaned of any residue which may pose any kind of physical or health risk.
- (r) The city shall require recovery systems, fixed fire protection, gas detection, a safety management system to be in place, including risk assessments, segregation planning for dangerous goods, emergency response planning, competency based employee training, contractor orientation and on-site safety briefing.
- (s) No person, firm or corporation may operate a container yard without first obtaining a license to do so from the City of Pasadena, Texas. The license shall be renewed on an annual basis and the city shall conduct an annual site inspection prior to license renewal.

(Ord. No. 07-30, § 2, 2-20-07)

#### **Sec. 17-4. Landscaping/screening for container and chassis yards.**

The following landscape and screening requirements shall apply to container and/or chassis yard facilities or any combination thereof. The landscape buffer requirements are intended to (1) reduce incompatibility of uses by requiring a screening buffer to minimize harmful impact of wind, erosion, flooding, noise, dust, odor, glare or artificial light intrusion, and other impacts; (2) allow the surrounding lands to act as a natural drainage system and ameliorate stormwater drainage problems, reduce harmful effects to underground water reservoirs, permit the return of precipitation to the ground water strata; and (3) enhance the appearance of industrial uses, parking lots and storage yards and enhance the property value in the area.

- (a) The property owner or tenant shall provide a twenty-foot wide natural screen along the length of the front property line. This will be accomplished in one (1) of three (3) ways.
  - (1) Leave in place existing trees, vegetation, underbrush, etc. to provide a thorough, continuous and effective opaque visual screening of the shipping container development.
  - (2) Construct earthen berms with a combination of trees, shrubs, and ground cover that after three (3) years will be at least twenty (20) feet in height and creates a continuous visual screen.
  - (3) Develop a screening plan that would be approved by the city that includes a combination of trees, shrubs, and ground cover that after three years will be at least twenty (20) feet in height and creates a continuous visual screen.
- (b) The property owner or tenant will provide screening along the frontage of the site and along the side yards for a distance of fifty (50) feet.
- (c) All required screening shall be adjusted away from overhead power lines to allow for full maturity of the trees without unnecessary trimming or topping of the trees.

(Ord. No. 07-30, § 2, 2-20-07)

#### **Sec. 17-5. Special use performance standards.**

(a) *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 container and chassis yard 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.

(b) *Required licenses obtained.* All necessary government permits and licenses shall be secured with evidence of such placed on record with the city. Any person, firm or corporation seeking to exercise, carry on or engage in the business or operation of a container yard or chassis yard or any combination thereof shall file a written application with the City of Pasadena Permit Department. The fee for a city license shall be two hundred fifty dollars (\$250.00). Such fee shall be paid prior to the issuance of the initial

license and upon renewal of license each year thereafter. The license shall be valid for one year following issuance, unless sooner revoked or suspended. Such license shall be renewed by filing an application for renewal at least thirty (30) days prior to expiration of the current license. Prior to the renewal of license, the city shall conduct an annual inspection to determine whether or not the licensee is meeting the requirements of this article and any other applicable ordinance of this city or law of the state. Upon decision of the licensee to expand the operation of said business onto property not originally covered in the application for license, an application for license shall be filed covering the proposed expansion. The city retains the right to revoke the license should the licensee violate the provisions of this division.

(c) *Availability and adequacy of public service.* Public services including but not limited to sewer, water, gas, police and fire protection must be available as evidenced by letters of availability from the department of public works and engineering at an adequate level and capable to service the proposed land use. The planning and zoning commission and the city council may impose any necessary conditions and restrictions to insure that an overloading of the city system does not occur and that inordinate demand on public services does not jeopardize or limit existing and protected services demands.

(d) *Loading berths.* Loading berths located on the front or at the side of buildings on a corner lot shall be required to meet the following conditions:

- (1) Loading berths shall not conflict with pedestrian movement.
- (2) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

(Ord. No. 07-30, § 2, 2-20-07)

## **Sec. 17-6. Operational performance standards.**

Container or chassis storage or any combination thereof shall each meet the following minimum performance standards. No person, firm, corporation, partnership or other entity shall operate or permit to be operated a container and/or chassis yard in violation of any of the following performance standards contained in this section. All applications for building permits and subsequent annual renewal applications shall include a certification from a licensed engineer that verifies compliance with these performance standards. Where applicable, land uses shall meet and be in compliance with the appropriate federal, state and local regulations.

(a) *Lighting and glare.* Any lighting used shall be arranged so as to deflect light away from any adjoining residential use or from public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.

(b) *Radiation and electrical emissions.* No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

(d) *Dust or other particulate matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

(e) *Odors.* The emission of odor by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

(f) *Fire and explosive hazards.* Hazardous materials/explosives shall meet all current federal, state, and local codes and regulations.

(g) *Vibration.* All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

(h) *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the requirements and standards set forth in section 20-1 of the Code of Ordinances of the City of Pasadena, Texas.

(i) *On site containment of materials and waste.* No material or waste shall be deposited on a property in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain.

(j) *Hours of operation.* Hours of operation for container and chassis yards are limited. Facilities shall only operate during the hours of 6:00 a.m. to 9:00 p.m. and no overnight facilities shall be allowed on the premises.  
(Ord. No. 07-30, § 2, 2-20-07)

#### **Sec. 17-7. Revocation of license.**

(a) Upon verified written complaint filed by any person with the director of the permit department setting out facts alleging that any licensee under this division has violated the provisions of this division, or any other applicable ordinance of the city, state or federal law, the director of the permit department or the designated representative shall investigate the allegations.

(b) Based on this investigation, the director of the permit department shall determine whether just cause exists for a hearing on revocation.

(c) If just cause exists for a hearing on revocation of a license herein, the director of the permit department shall notify the licensee in writing by certified mail, return receipt requested, that a revocation hearing will be conducted at a specified time



and place within reference to such complaint. A copy of the verified complaint shall be included, notifying the licensee of the allegations against him.

(d) At the hearing conducted by the director of the permit department, all parties may present evidence and may be represented by licensed attorneys. All parties may question opposing witnesses.

(e) Based on a preponderance of the evidence, the director of the permit department shall determine whether the license should be revoked. A written copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practical, but in no event more than thirty (30) days.

(f) In the event that the licensee's license is revoked, such licensee may appeal the revocation to the city council by notifying the city secretary in writing within fourteen (14) days after the revocation. A hearing before the city council shall be set as soon as practical. Failure to appeal within fourteen (14) days shall render the director of the permit department's decision final.

(g) At the hearing conducted by the city council, all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. After hearing the evidence presented by both sides, the city council shall, based on a preponderance of the evidence, render its decision, and notify applicant by certified mail, return receipt requested, as soon after the conclusion of the hearing as practical, but in no event more than thirty (30) days. Failure of the city council to act within thirty (30) days shall constitute a rejection of the application. This shall conclude the licensee's administrative remedies and the city council's action or inaction shall be final.

(Ord. No. 07-30, § 2, 2-20-07)

### **Sec. 17-8. Penalty for violation.**

That it shall be unlawful and a misdemeanor to violate any provision or requirement hereof and any person convicted of violating any provision, restriction, requirement, or prohibition of this chapter shall be fined in a sum of not more than five hundred dollars (\$500.00) for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 07-30, § 2, 2-20-07)

Secs. 17-9--17-15. Reserved.