

SETBACK REQUIREMENTS



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

ARTICLE IV. SETBACK REQUIREMENTS*

***Charter references:** Authority to establish building lines on streets, Art. I, § 5.

Cross references: Fences and walls for junkyards and automobile wrecking yards to conform to setback requirements, § 17-47; fence or wall for outside storage of used goods, wares and merchandise to conform to setback requirements, § 17-68; setback requirements for mobile homes located outside mobile home park, § 21-44; setback requirements for units and mobile homes in mobile home parks, § 21-64; ground signs to comply with setback requirements, § 31-64(d); setback requirements for townhouse subdivisions, App. B, § 2B.

Sec. 9-76. Generally.

(a) No permit for the construction, erection or installation of a building or structure, or parts of a building or structure, shall be issued for the construction, erection or installation of a building or structure within twenty-five (25) feet of:

- (1) The property line on the front side of the property; or
- (2) The existing or ultimate proposed future right-of-way lines of any street, road, avenue, highway or drive or any extensions thereof as set forth in the major street plan for Pasadena, Texas.

Provided, however, that a carport may be erected in conjunction with single or duplex residential dwellings unless prohibited by a subdivision deed restriction. It is the duty of the applicant for the permit to determine if there exists any subdivision deed restrictions which prohibit the erection of the carport and by applying for the permit certifies to the city that such a prohibition does not exist.

Carports which are permitted under this section may be constructed of wood or metal and shall be attached to the main structure at the innermost end with either a flat roof or a roof with a pitch not to exceed four (4) foot vertical on twelve (12) foot horizontal. The carport shall not have any ceiling openings accessible for any storage area, shall be supported at its outermost end by not more than two (2) stanchions (poles) with braces anchored in a manner approved by the building official, and such poles shall not be placed nearer than five (5) feet from any property line. The horizontal portion of the carport framework shall not be less than eight (8) feet nor more than twelve (12) feet above grade (natural ground) elevation. The stanchions supporting the carport shall be separated by not more than twenty (20) feet and the roof overhang shall not exceed two (2) feet from the supporting stanchions on any side. No wall shall be erected or attached to any carport permitted under this section. Carports shall not encroach property lines, easements, or right of ways.

(b) No permit for the construction, erection or installation of a single or duplex residential building or structure, or parts of such building or structure, shall be issued for the construction, erection or installation of such building or structure, within a minimum five (5) feet of any property line, subject to subsection (a) hereof. Additional setbacks may be required to provide adequate drainage and obtain a maintainable side slope from five (5) feet of the structure of the existing elevation at the property line. For purposes of this subsection (b) "single residential building or structure" means a building occupied exclusively for residential purposes or as a boarding or rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.

"Duplex residential building or structure" means a building occupied exclusively for residence purposes and having two (2) apartments, or as a boarding or rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.

(c) No permit for the construction, erection, or installation of a service station gasoline island metal canopy having a clearance of at least twelve (12) feet above the finished grade elevation shall be issued nearer than twenty-five (25) feet from the front property line or the existing or ultimate proposed future right-of-way lines of any street, road, avenue, highway, drive or future extensions and ten (10) feet from all other property lines. Any stanchion(s) supporting the metal canopy for a service station gasoline island shall not encroach onto the property setback lines as set forth elsewhere in this article.

(d) No permit for the construction, erection, expansion or installation of a nonresidential structure, or parts of such building or structure within a minimum five (5) feet of any 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.

(e) No permit for the construction, erection or installation of a building or structure, parts of a building or structure, or expansion of a building or structure shall be issued across an easement.

(f) No permit for the construction, erection, expansion or installation of a warehouse of any size shall be issued within twenty-five (25) feet of the side and rear property lines.

(g) All residential and nonresidential properties with structures elevated to meet finish floor elevation requirements are allowed a maximum five (5) feet of elevated grade around the structure with a maintainable slope transitioning to natural ground at property line. Additional setbacks may be required to provide adequate drainage.

Sec. 9-77. Conformity with recorded subdivision plats.

No permit shall be issued for the construction or erection of a building or structure between the right-of-way line of any street, avenue or drive, and the building setback lines as dedicated and shown by the plats of subdivisions within the city which have been properly filed of record in the deed or map records of Harris County, except that permits may be issued for the construction or erection of a building or a structure up to a distance of twenty (20) feet from the right-of-way line in the 700 and 800 blocks of Center Street.

(Code 1964, § 8-12)

Cross references: Subdivisions, App. A, App. B.

Sec. 9-78. Private garages, sheds, shops, etc.

(a) *Unattached.* No permit shall be issued for the construction, erection or installation of a building or structure, or part of a building or structure, to be occupied exclusively as a private garage, shed, or other nonresidential use, or any combination thereof, located on the same lot with a dwelling, and not attached to such dwelling, within a minimum five (5) feet of the lot line of the adjoining property nearest either side of such private garage, shed, building or structure or within a minimum five (5) feet of the rear lot line of the lot on which the same is situated. 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.

(b) *Attached.* No permit shall be issued for the construction, erection or installation of a building or structure, or part of a building or structure, to be occupied exclusively as a private garage, shed, shop or other nonresidential use, or any combination thereof, located on the same lot with a dwelling, and attached to the dwelling, within a minimum five (5) feet of the lot line of the adjoining property nearest either side of such private garage, shed, shop, building or structure or within a minimum five (5) feet of the rear lot line of the lot on which the same is situated. 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.

(c) *Containers.* All shipping containers used for storage must be permitted. No permit shall be issued for the installation of a shipping container used for storage on a commercial property less than five (5) acres in size and a minimum five (5) feet from the adjoining property lot line. Shipping containers must be screened from public view and cannot be located adjacent to a road right of way. They must be located behind the primary structure and screened by a minimum eight (8) foot engineered opaque fence. Shipping containers must be placed on concrete or asphalt and cannot be placed in designated loading zones, parking areas, drive aisles, easements or fire lanes. They cannot be stacked or remain onsite for longer than one hundred (100) consecutive days, including mobilization and demobilization, starting on the day of the delivery of the first container and ending on the day of the removal of the last container. No permit shall be issued for the installation of a shipping container used for storage on a residential property.

(d). *Private Shop*. No permit shall be issued for the construction, erection or installation of a building or structure, or part of a building or structure, to be occupied exclusively as a private shop located on a residential lot, within a minimum twenty-five (25) feet of the lot line of the adjoining property nearest either side or rear property line.

(Code 1964, § 8-14; Ord. No. 1833, § 2, 7-5-66)

Sec. 9-79. Variances.

The building official, with city council approval, may authorize a variance from articles of this chapter when, in their opinion, undue hardship will result from requiring strict compliance. In granting a variance, the building official shall prescribe only conditions that he deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the building official shall take into account the nature of the proposed use of land involved, existing uses of land in the vicinity, the number of persons who will reside or work at the proposed location, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the building official, with city council approval, finds:

(a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land; and

(b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(d) That the granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article. Such findings of the building official, together with the specific facts upon which such findings are based, shall be kept on file in the office of the building official. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to those seeking the variance, standing alone, shall not be deemed to constitute undue hardship.

(e) That the city traffic director has made a favorable recommendation relative to the effect on traffic safety of the proposed variance.

(Ord. No. 72-197, § 1, 8-8-72)

Editor's note: Ord. No. 72-197, § 1, amended § 9-79 to read as herein set out. Formerly said section specified set back requirements on specific streets and was derived from Code 1964, § 8-13; Ord. No. 1806, § 1, adopted May 10, 1966; Ord. No. 1854, § 1, adopted Aug. 30, 1966; and Ord. No. 68-128, § 1, adopted Sept. 3, 1968.

Secs. 9-80, 9-81. Reserved.

Editor's note: Ord. No. 72-197, § 2, adopted Aug. 8, 1972, repealed former §§ 9-80 and 9-81 relative to set back requirements on certain streets. Said sections were derived from Code 1964, § 8-13; Ord. No. 1806, § 1, adopted May 10, 1966; Ord. No. 1854, § 1, adopted Aug. 30, 1966; Ord. No. 68-56, §§ 1, 2, adopted April 16, 1968; and Ord. No. 68-128, § 1, adopted Sept. 3, 1968.

Secs. 9-82--9-92. Reserved.