

AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY, DECEMBER 3, 2024 - 3:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Planning & Zoning Board may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Planning & Zoning Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Planning and Zoning Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code

CALL TO ORDER -

PLEDGE OF ALLEGIANCE -

INVOCATION -

1) MINUTES:

- a) Minutes for the October 8, 2024 meeting will be posted on the 12/17/2024 meeting

2) PUBLIC HEARING

a) CONDITIONAL USE PERMITS:

1. Request of Melden and Hunt Inc. on behalf of Escanaba, LLC., for a Conditional Use Permit, for life of use, and adoption of an ordinance, for an Amendment to a Planned Unit Development for Harvest Coves Phase I Subdivision, Hidalgo County, Texas; 2601 North Ware Road. **(CUP2024-0126)**
2. Request of Sara C. Lopez., for a Conditional Use Permit, for one year, and adoption of an ordinance, for a Food Truck Park at Lot 1, Lopez-Torres Subdivision, Hidalgo County, Texas; 4300 South Ware Road. **(CUP2024-0127)**
3. Request of Blanca Rodriguez, for a Conditional Use Permit, for one year, for a Home Occupation (beauty salon) at Lot 2, Block 3, Pecan Terrace Subdivision, Hidalgo County, Texas; 2209 Nyssa Avenue. **(CUP2024-0129)**
4. Request of Joseph L. Salinas on behalf of Mikada, LLC (Jose Chanin), for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (La Azotea Rooftop) at Lot 1, Mikada Subdivision, Hidalgo County, Texas; 5000 Pecan Boulevard, Building 100. **(CUP2024-0131)**
5. Request of Melden and Hunt Inc., on behalf of Synergy a Real Estate Alliance LLC., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for Planned Unit Development (Taylor Villas) at a 12.51 acre tract of land out of Lot 167, John H. Shary Subdivision, Hidalgo County, Texas; 2021 South Taylor Road. **(CUP2024-0132)**
6. Request of Keaton Mai, on behalf of Justin Nowell, for a Conditional Use Permit, for life of the use, and adoption of an ordinance for a Gasoline Service Station at Lot 1, Block 2, Villa Hermosa Subdivision, Hidalgo County, Texas; 3400 South Jackson Road. **(CUP2024-0128)**

b) REZONING:

1. Rezone from R-1 (single family residential) District to A-O (agricultural and open space) District: 4.00 acres out of Lot 418, save and except 0.208 acres road row, John H. Shary Subdivision, Hidalgo County, Texas; 4700 Auburn Avenue. **(REZ2024-0059)**

c) ORDINANCE:

1. Consideration of ordinance adopting a Unified Development Code and repealing conflicting ordinances

3) SITE PLAN:

- a) Site Plan approval for Lot 1, Block 2, Villa Hermosa Subdivision, Hidalgo County, Texas; 3400 South Jackson Road. **(SPR2024-0041)**

4) SUBDIVISIONS:

- a) CXL Acres Subdivision, 11624 North 29th Street, Cesar Xavier Leal **(SUB2024-0125)**
(PRELIMINARY) SE
- b) Matias Estates Subdivision, 11600 North 29th Street, Matias Gonzalez **(SUB2024-0126)**
(PRELIMINARY) SE
- c) Trevino Subdivision, 4212 Lark Avenue, Maria S. Sandoval **(SUB2024-0124)**
(PRELIMINARY) RDE

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

MINUTES FOR THE
10/08/2024 MEETING
WILL BE UPLOADED ON
MONDAY 12/17/2024.

THANK YOU

HISTORY: On February 12, 2024 and March 11, 2024 the City Commission approved of a Planned Unit Development for Harvest Coves Phase I and II, which consisted of one hundred ninety-six (196) lots, and an existing detention pond to the southwest corner.

REQUEST/ANALYSIS: On October 24, 2024 an amendment to a previously approved Planned Unit Development (Harvest Coves Phase I) was submitted. The applicant is requesting an amendment to the PUD in order to change driveway layouts and reduce side yard setbacks from six feet to five feet. Currently, the property does is composed of vacant land.

On February 12, 2024 and March 11, 2024 the City Commission approved the following variances for the PUD at Harvest Coves Phase I and II:

- Lots 58-145 are not meeting the 50 feet frontage minimum requirement.
- Lots 56-181 are not meeting the minimum lot area of 5,000 feet.
- Elevations: Maximum home height proposed at 33 feet.
- 36 lots total not meeting the minimum 18 feet driveway width, the minimum proposed is 12 feet – Engineering Department approved.
- Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

1. CONCEPTUAL SITE PLAN: Development and use of the property must comply with the conditional use permit conceptual site plan.
2. PERMITTED USES: Permitted uses are uses permitted in the R-1 District for buildings designated as residential. The applicant is proposing single family residences and a common area.
3. OFF-STREET PARKING AND LOADING: Parking in compliance with Chapter 134 Article VI, which requires two parking spaces per unit, with one being located beyond the front yard setback. Must provide floor plan with garage to determine if in compliance.
4. LANDSCAPING: Each lot requires 10% landscaping in an R-1 zone. Based on the lot area of 813,570.12 square feet, 81,357.012 square feet of landscaping is required. In addition, 50% of the required front yard must be landscape, including the side yard setback areas. Some lots such as lots 48, 50-52, 186 may not meet the 50% landscape requirement. A minimum of one tree is required. Must provide front landscaping area and trees to determine if in compliance. Some lots show driveway on one side of the side yard setback, it is not in compliance.
5. STREETS AND SETBACKS: Providing a of 60 feet right-of-way for North 43rd

Street. Provide minimum of 50 feet right-of-way and 32 feet of pavement for each interior street within the subdivision. Setbacks are Front: 20 feet or greater for easements, whichever is greater; Rear: 10 feet or greater or easements; Sides: 5 feet or greater for easements; Corner: 10 feet or greater for easements; and Garage: 18 feet except where greater setback is required. An R-1 zone requires a front yard setback of 25 feet on interior streets. The development is proposing less than 25 feet of front yard setback and instead is proposing 20 feet of front setback for each lot. The PUD provides setback lines with building envelope on site plan with a 5 feet wide minimum sidewalk required on Ware Road and a 5 feet wide minimum sidewalk required on all interior street. Must provide sidewalk width dimension on site plan.

An access variance on Ware Road were approved by the Traffic Department.

6. DRAINAGE: During the Harvest Coves Subdivision Phase I and II process final drainage detention and design and drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. ADDITIONAL PROVISIONS: Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by Planning and Zoning Commission for recommendation to Board of Commissioners for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 18.677 acres, which includes single family residences.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and PUD site plan is required prior to issuance of building permits. Therefore, Harvest Coves
10. Phase I subdivision process must be completed, and recorded together with the site plan.

If the subdivision layout changes, the PUD will need to be amended to resemble the approved Subdivision Plat. Any changes regarding ownership or the approved building layout may also require an amendment of the PUD. The PUD must comply with all City department requirements, including but not limited to, the Building Permit & Inspections Department, Planning Department, Engineering Department, Utilities Department, Traffic Department, Fire Department, and the Environmental and Health Code Compliance Department. Finally, if this request is granted approval, all proposed structures and improvements on the recorded Subdivision Plat and PUD site plan will be required during the building permitting process.

Staff did not receive any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION: Staff recommends approval of the amendment to the Planned Unit Development as presented, for life of the use, subject to all aforementioned conditions.

PLANNED UNIT
DEVELOPMENT FOR
HARVEST COVES
SUBDIVISION PHASE I

BEING A SITE PLAN OF A 18.677 ACRES OF
LAND SITUATED IN THE CITY OF MCALLEN,
HIDALGO COUNTY, TEXAS, BEING A PORTION
OF LOT 138 AND OUT OF LOT 137, LA LOMITA
IRRIGATION & CONSTRUCTION COMPANY
SUBDIVISION, ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 24, PAGES
67-68, HIDALGO COUNTY DEED RECORDS.

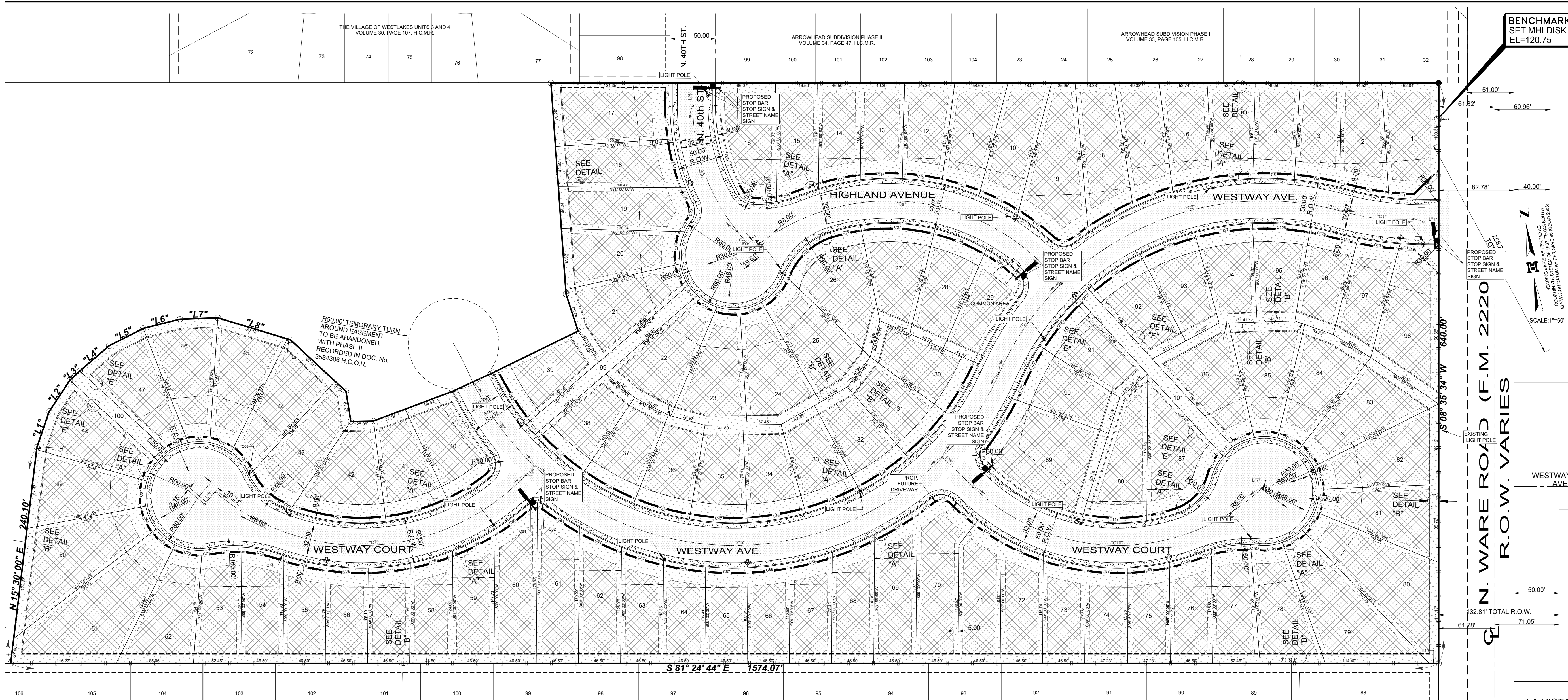
CENTERLINE - CURVE TABLES

Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Tangent
"C1"	92.57	350.00	015° 09' 13"	S73° 49' 49"E	92.30'	48.56
"C2"	332.37	320.00	059° 30' 41"	S83° 59' 27"W	317.63'	182.94
"C3"	121.07	320.00	021° 40' 40"	S43° 23' 46"W	120.35'	61.27
"C4"	112.33	320.00	020° 07' 01"	N42° 36' 57"E	111.78'	56.76
"C5"	499.05	320.00	089° 21' 19"	S82° 38' 53"E	449.99'	316.42
"C6"	115.40	320.00	020° 39' 48"	S27° 38' 20"E	114.78'	58.33
"C7"	378.69	350.00	086° 47' 25"	S84° 34' 31"E	343.51'	236.37
"C8"	354.63	240.00	084° 39' 44"	N78° 05' 46"W	323.24'	218.62
"C9"	149.81	220.00	039° 00' 54"	S10° 55' 11"E	146.93'	77.94
"C10"	351.58	230.00	087° 35' 02"	S81° 07' 03"E	318.34'	220.50

LOT AREA TABLES

Lot #	SQ. FT.	Area	Lot #	SQ. FT.	Area
1	7204.33	0.165	26	8281.16	0.190
2	5978.57	0.137	27	6601.79	0.152
3	5273.93	0.121	28	6059.04	0.139
4	5022.73	0.115	29	5472.50	0.126
5	5230.57	0.120	30	5971.63	0.137
6	5577.84	0.128	31	5668.97	0.130
7	6101.37	0.140	32	5633.89	0.129
8	7188.34	0.165	33	5590.60	0.128
9	9156.57	0.210	34	5631.90	0.129
10	6454.43	0.148	35	5655.96	0.130
11	6007.89	0.138	36	5572.01	0.128
12	5355.97	0.123	37	5608.80	0.129
13	5014.67	0.115	38	5668.20	0.130
14	5161.69	0.118	39	5715.41	0.131
15	5784.94	0.133	40	6533.97	0.150
16	7691.45	0.177	41	6243.36	0.143
17	8556.67	0.196	42	7416.47	0.170
18	6576.91	0.151	43	6892.26	0.158
19	6825.58	0.157	44	6944.32	0.159
20	6680.24	0.153	45	7145.42	0.164
21	7400.96	0.170	46	7285.27	0.167
22	7240.70	0.166	47	7201.28	0.165
23	7118.48	0.163	48	7146.19	0.164
24	7251.93	0.166	49	7228.78	0.166
25	7389.45	0.170	50	10388.30	0.238

Lot #	SQ. FT.	Area	Lot #	SQ. FT.	Area
51	12470.56	0.286	76	5489.19	0.126
52	7402.83	0.170	77	6195.33	0.142
53	6101.72	0.140	78	7049.17	0.162
54	5795.32	0.133	79	10167.09	0.233
55	5231.38	0.120	80	10902.88	0.250
56	4919.15	0.113	81	7441.76	0.171
57	4978.02	0.114	82	7786.99	0.179
58	5414.85	0.124	83	7666.72	0.176
59	6275.30	0.144	84	6928.52	0.159
60	7632.18	0.175	85	7039.68	0.162
61	7647.27	0.176	86	7640.94	0.175
62	6432.52	0.148	87	8038.69	0.185
63	5596.89	0.128	88	7476.19	0.172
64	5095.95	0.117	89	11667.94	0.268
65	4899.03	0.112	90	5785.78	0.133
66	4995.67	0.115	91	5883.96	0.135
67	5392.29	0.124	92	5906.31	0.136
68	6114.17	0.140	93	5647.52	0.130
69	7214.45	0.166	94	5656.43	0.130
70	8843.27	0.203	95	5655.33	0.130
71	6609.77	0.156	96	5256.11	0.121
72	5972.23	0.137	97	5532.82	0.127
73	5226.33	0.120	98	8931.34	0.205
74	4942.82	0.113	99	3526.87	0.081
75	5028.96	0.115	100	1969.27	0.045
			101	3526.87	0.081



BENCHMARK:
SET MH1 DISK
EL=120.75

N. WARE ROAD (F.M. 2220)
R.O.W. VARIES

WESTWAY AVE

WESTWAY COURT

WESTWAY DRIVE

DAFFODIL AVE

WARBORN DRIVE

PETAN BLVD

MILBERRY SUBDIVISION

MCALLEN INDEPENDENT SCHOOL DISTRICT

139 SUBDIVISION NO. 8

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STATE OF TEXAS
COUNTY OF HIDALGO

THE OWNERS OF THE LAND SHOWN ON THIS PLANNED UNIT DEVELOPMENT SITE PLAN, HEREBY CERTIFY THAT THE CITY OF McALLEN HAS APPROVED OF THE PLANNED UNIT DEVELOPMENT AS DEPICTED.

JEFFERY ERICKSON, MANAGER
ESCANABA, LLC
A TEXAS LIMITED LIABILITY COMPANY
3520 BUDDY OWENS AVENUE
McALLEN, TEXAS 78504

DATE

RENE SALINAS RAMIREZ, MANAGER
3520 BUDDY OWENS AVENUE
McALLEN, TEXAS 78504

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JEFFERY ERICKSON KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND

SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20 ____.

NOTARY PUBLIC, FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RENE SALINAS RAMIREZ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND

SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20 ____.

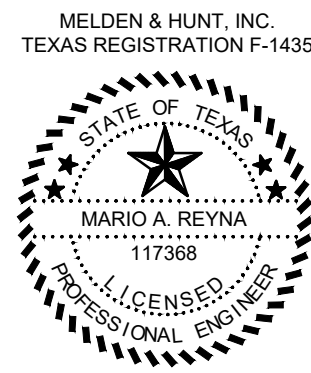
NOTARY PUBLIC, FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES:

STATE OF TEXAS
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, MARIO A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS SITE PLAT.

MARIO A. REYNA, PROFESSIONAL ENGINEER # 117368
STATE OF TEXAS
DATE PREPARED: 03-16-2023
DATE REVISED: 10-01-2024
ENGINEERING JOB No. 23145.00

DATE:



STATE OF TEXAS
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, ROBERTO N. TAMEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE HEREIN PRESENTED SITE PLAN OF THE PLANNED UNIT DEVELOPMENT OF HARVEST COVES SUBDIVISION PHASE I, WAS PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 09-07-2023, AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

ROBERTO N. TAMEZ, REGISTERED PROFESSIONAL LAND SURVEYOR # 6238
STATE OF TEXAS
DATE SURVEYED: 09.07.2023
SURVEY JOB No. 23145.02

DATE:



PLANNED UNIT DEVELOPMENT FOR

**HARVEST COVES
SUBDIVISION PHASE I**
BEING A SITE PLAN OF A 18.677 ACRES OF LAND SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, BEING A PORTION OF LOT 138 AND OUT OF LOT 137, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 24, PAGES 67-68, HIDALGO COUNTY DEED RECORDS.

GENERAL NOTES:

- THE SITE LIES IN ZONE "C" ZONE "C" IS DEFINED AS AREAS OF MINIMAL FLOODING, ZONE "C" SHOWN ON COMMUNITY-PANEL NUMBER: 480334 0400 C MAP REVISED NOVEMBER 16, 1982. & COMMUNITY-PANEL NUMBER: 480334 0500 C MAP REVISED NOVEMBER 2, 1982.
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT CENTER OF LOT.
- MINIMUM SETBACKS SHALL COMPLY WITH THE CITY OF McALLEN ZONING CODE:
FRONT: 20 FEET OR GREATER FOR EASEMENT
REAR: 10 FEET OR GREATER FOR EASEMENT
INTERIOR SIDES: 5 FEET OR GREATER FOR EASEMENT
GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED: GREATER SETBACK APPLIES.
CORNER: 10 FEET OR GREATER FOR EASEMENTS.
- AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, FOR HARVEST COVES SUBDIVISION RECORDED UNDER DOCUMENT NUMBER HIDALGO COUNTY OFFICIAL RECORDS: DEVELOPER/HOMEOWNERS ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNS, AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 110-72 OF THE CODE OF ORDINANCE OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND DETENTION PONDS. ANY AMENDMENT TO DECLARATION THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 110-72 SHALL BE NULL & VOID.
- COMMON AREA LOT 113, HARVEST CREEK AT WARE SUBDIVISION PHASE I, DOC. NO. 3542332 IDENTIFIED AS DETENTION POND SHALL BE MAINTAINED BY THE DEVELOPER WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, HARVEST COVES SUBDIVISION PHASE I HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNEES, AND NOT BY THE CITY OF McALLEN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON AREAS 99, 100, AND 101, WHICH SHALL BE USED EXCLUSIVELY AS WALK WAYS. AFTER COMMON AREAS 99, 100 AND 101 TRANSFER OF TITLE TO HARVEST COVES SUBDIVISION PHASE I HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY HARVEST COVES SUBDIVISION PHASE I HOMEOWNER'S ASSOCIATION. FAILING IN SUCH MAINTENANCE OBLIGATIONS, THE CITY OF McALLEN MAY, BUT SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 110-72, AS THESAME MAY BE AMENDED, THE SPECIFIC AND EXCLUSIVE USE OF COMMON AREA LOTS 99,100 & 101 THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT No. _____ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.
- HARVEST COVES SUBDIVISION IS SUBJECT TO CITY OF McALLEN ORDINANCE AS PER SECTION 134-152 AND HARVEST COVES SUBDIVISION PHASE I RESTRICTIVE COVENANTS & HOME OWNERS ASSOCIATION BUT NOT LIMITED TO TYPICAL BUILDING ELEVATION, ARCHITECTURE CONTROLS AND MAINTENANCE OF COMMON AREAS INCLUDING PERIMETER FENCES AND LANDSCAPING WITHIN RIGHT-OF-WAYS. HOME OWNER'S ASSOCIATION RESTRICTIONS DOCS _____.
- HARVEST COVES SUBDIVISION RECORDED UNDER DOCUMENT NO. _____ HIDALGO COUNTY MAP RECORDS.
- NO 3 STORY BUILDINGS, MAX BUILDING HEIGHT TO BE 33'.
- A TREE TO BE PROVIDED ON EACH LOT, EACH TREE MUST HAVE A 2.5" CALIPER MINIMUM.
- A 5 FT. MINIMUM SIDEWALK REQUIRED ALONG THE WEST SIDE OF WARE ROAD (F.M.2220), AND A 4 FT. MINIMUM SIDEWALK REQUIRED ALONG BOTH SIDES OF ALL INTERIOR STREETS.
- SUBDIVISION APPROVED AS A PLANNED UNIT DEVELOPMENT (PUD) AT THE CITY COMMISSION MEETING OF FEBRUARY 12, 2024.
- DRIVEWAY FOR EACH LOT SHALL BE BUILT IN ACCORDANCE WITH McALLEN ENGINEERING REQUIREMENTS WITHIN AREA.

LANDSCAPES AREA TABLES

Landscape Area Table			Landscape Area Table		
Lot #	SQ. FT.	Area	Lot #	SQ. FT.	Area
1	3028.05	0.070	56	2310.82	0.053
2	2627.30	0.060	57	2329.88	0.053
3	2427.78	0.056	58	2467.07	0.057
4	2325.67	0.053	59	2741.58	0.063
5	2367.08	0.054	60	3163.75	0.073
6	2457.98	0.056	61	3132.89	0.072
7	2619.09	0.060	62	2786.97	0.064
8	2989.27	0.069	63	2512.55	0.058
9	3626.56	0.083	64	2382.10	0.054
10	2734.12	0.063	65	2303.68	0.053
11	2546.18	0.058	66	2333.30	0.054
12	2390.88	0.055	67	2453.41	0.056
13	2324.84	0.053	68	2673.78	0.061
14	2385.75	0.055	69	3015.77	0.069
15	2558.27	0.059	70	3630.39	0.083
16	3138.25	0.072	71	2878.09	0.061
17	3557.16	0.082	72	2644.85	0.061
18	2769.41	0.064	73	2407.20	0.055
19	2626.26	0.065	74	2314.65	0.053
20	2653.89	0.061	75	2341.06	0.054
21	2668.25	0.061	76	2486.33	0.057
22	2648.36	0.061	77	2591.76	0.059
23	2619.90	0.060	78	2729.77	0.063
24	2625.19	0.060	79	3386.60	0.078
25	2774.85	0.064	80	3509.05	0.081
26	3358.69	0.077	81	2730.74	0.063
27	2945.19	0.068	82	2813.55	0.065
28	2067.82	0.061	83	2794.18	0.064
29	2828.27	0.065	84	2598.58	0.060
30	2678.33	0.061	85	2623.62	0.060
31	2598.30	0.060	86	2736.94	0.063
32	2585.03	0.059	87	3587.65	0.082
33	2576.59	0.059	88	3668.11	0.084
34	2591.65	0.059	89	4122.81	0.095
35	2585.62	0.059	90	2632.28	0.060
36	2564.29	0.059	91	2666.17	0.061
37	2582.94	0.059	92	5906.31	0.136
38	2616.34	0.060	93	2678.92	0.061
39	2622.71	0.060	94	2589.24	0.059
40	3073.76	0.071	95	2591.70	0.059
41	2777.18	0.064	96	2585.50	0.059
42	3303.47	0.076	97	2434.40	0.056
43	6862.26	0.158	98	2487.40	0.057
44	2697.52	0.062	99	3525.37	0.081
45	2670.84	0.061	100	1969.27	0.045
46	2657.33	0.061	101	3526.87	0.081
47	2638.27	0.061			
48	2627.61	0.060			
49	2669.31	0.062			
50	3428.66	0.079			
51	3741.03	0.086			
52	2769.66	0.064			
53	2674.44	0.059			
54	2538.20	0.058			
55	2407.08	0.055			

LOTS NOT MEETING 18' DRIVEWAY WIDTH		LOTS NOT MEETING 18' DRIVEWAY WIDTH		LOTS NOT MEETING 18' DRIVEWAY WIDTH	
LOT #	WIDTH	LOT #	WIDTH	LOT #	WIDTH
1	12.00'	80	12.00'	53	12.00'
15	13.89'	81	12.00'	70	14.76'
16	12.52'	82	12.28'	98	12.00'
17	14.50'	83	12.52'		
18	12.21'	84	12.86'		
19	12.52'	85	12.77'		
20	14.59'	84	12.60'		
21	12.59'	85	12.00'		
22	12.00'	86	12.00'		
23	13.28'	87	12.26'		
24	12.27'	88	12.00'		
25	13.05'	89	14.61'		
77	12.00'	50	15.52'		
78	12.00'	51	17.34'		
79	12.00'	52	14.30'		

LOTS NOT MEETING
MINIMUM LOT AREA

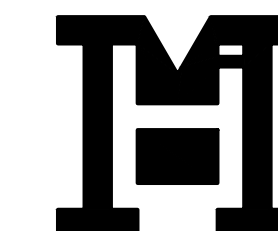
Lots not Meeting 50' frontage Requirement			
Lot #	Lot #	Lot #	Lot #
58	93	66	77
59	94	67	78
60	95	68	79
61	99	71	88
62	100	74	91
63	101	75	
64	92	76	

DENSITY	
DWELLING UNITS (DU)=	98
SUBDIVISION (ACRES)=	18.677
DENSITY (DU/ACS)=	5.247

HOME HEIGHT	
MIN. HEIGHT OF HOME	15 FEET
MAX. HEIGHT OF HOME	33 FEET

DRAWN BY: R. DE JESUS DATE 10/03/23
SURVEYED, CHECKED J.L.G. DATE 08/18/23
FINAL CHECK DATE

TBPE FIRM # F-1435



MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
115 W. McINTYRE PH: (956) 381-0981
EDINBURG, TX 78541 FAX: (956) 381-1839
ESTABLISHED 1947 www.meldenandhunt.com



Memo

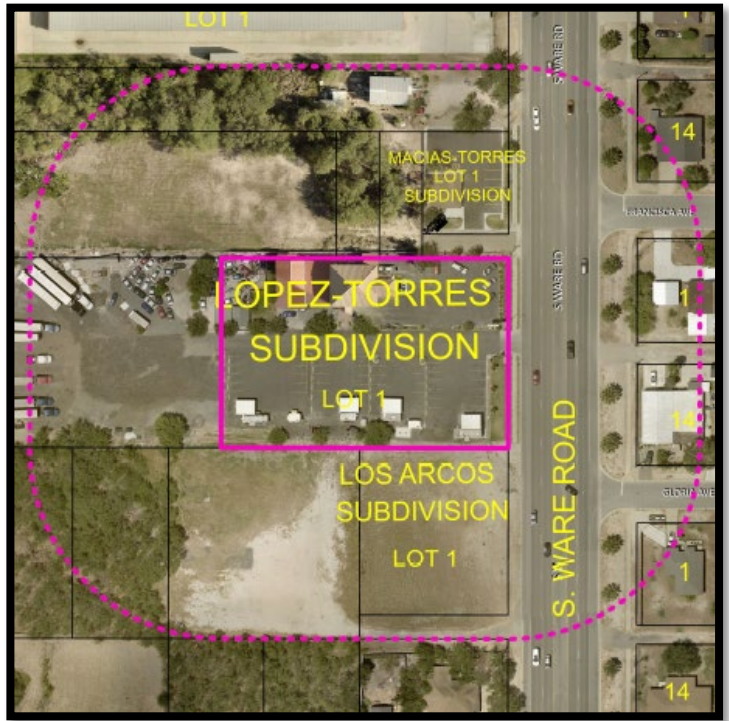
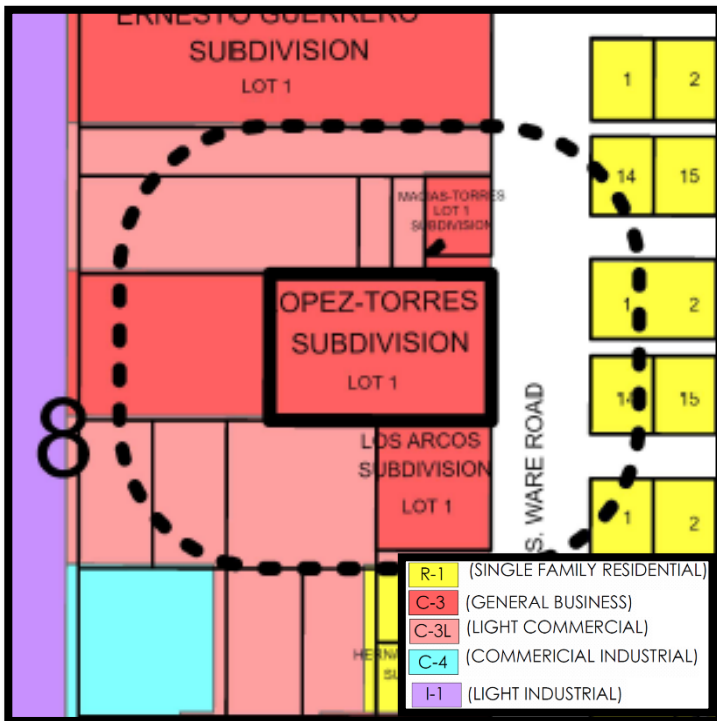
TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: November 22, 2024

SUBJECT: REQUEST OF SARA C. LOPEZ., FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A FOOD TRUCK PARK AT LOT 1, LOPEZ-TORRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 SOUTH WARE ROAD. (CUP2024-0127)

BRIEF DESCRIPTION: The subject property is located along the west side of South Ware Road and is zoned C-3 (General Business) District. The adjacent zoning is I-1 (Light Industrial) District to the west, C-3L (light commercial) District to the north and south, and R-1 (Single-Family Residential) District to the east across South Ware Road. A food truck park is permitted in a C-3 District, subject to compliance with Conditional Use Permit requirements.



HISTORY: The applicant is proposing to continue operating an existing food truck park on the subject property. This location was previously approved on September 29, 2023 by the City Commission for a food truck park. The previous request was approved for the seven existing vendors are part of the proposed food truck park. A stop work order was issued on May 3, 2024 by the Building Department for a carport built without a permit. The carport is currently being used for an existing car lot within the same property.

REQUEST/ANALYSIS: Based on the submitted site plan, the food truck park consist of seven existing food trucks and an extra space available. A total of 32 parking spaces are required, 40 parking spaces are provided on the subject property.

The food truck park's proposed days and hours of operation would be 7:00 AM to 2:00 AM, Monday through Sunday.

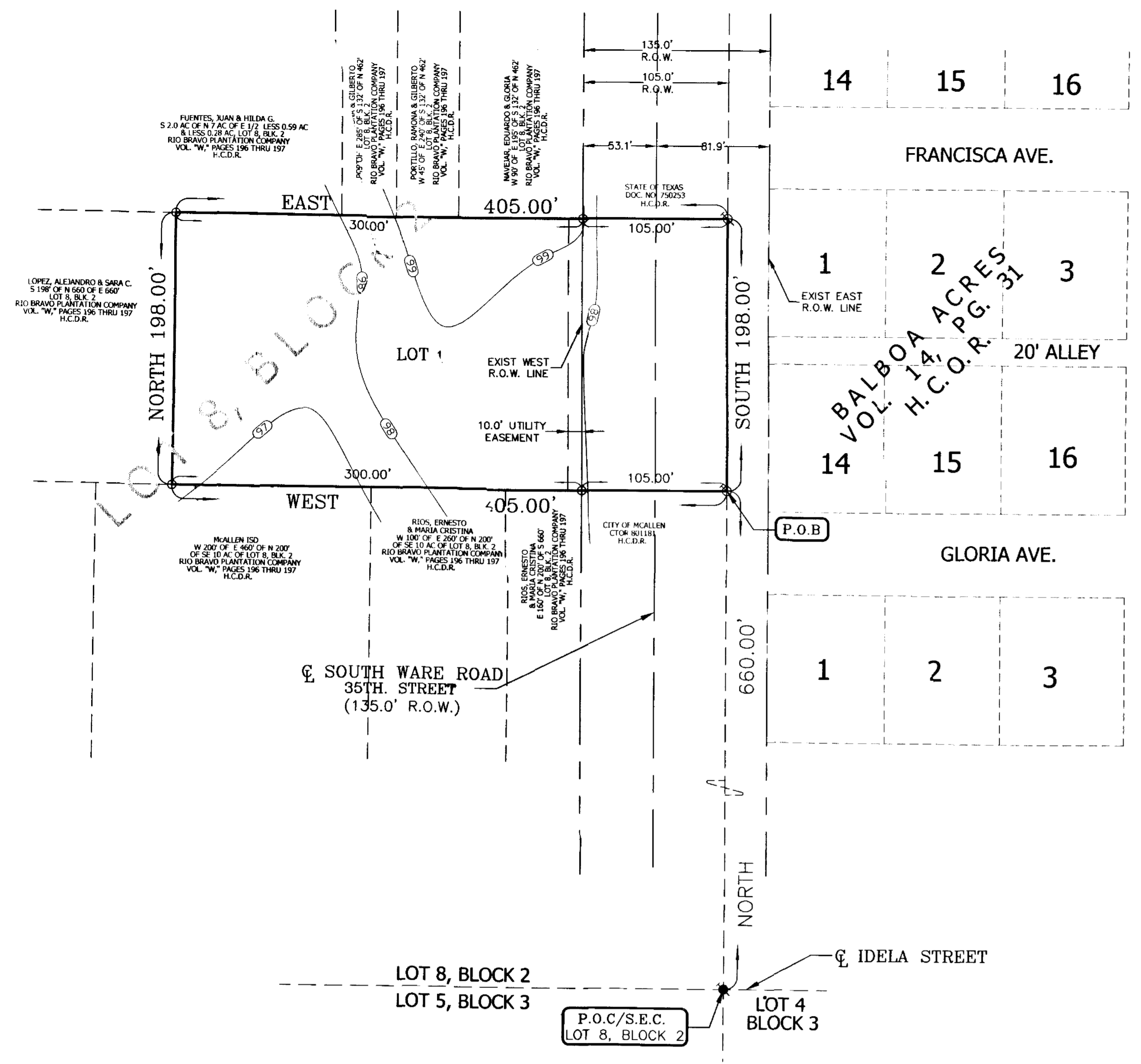
The Fire and Health Departments approved and have allowed the CUP process to continue.

The food truck park and its vendors must comply with the requirements set forth in Section 138-118 of the Zoning Ordinance and 54-52 of the Health and Sanitation Ordinance for mobile food vendors and the following Conditional Use Permit specific requirements:

- 1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property;
- 2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court;
- 3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM;
- 4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated;
- 5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor;
- 6) Mobile food vendors may not be placed or parking on unimproved surfaces;
- 7) Adequate lighting, as determined by the Health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court;
- 8) Mobile food vendor courts shall provide on premise parking areas sufficient to accommodate staffing needs and seating areas.

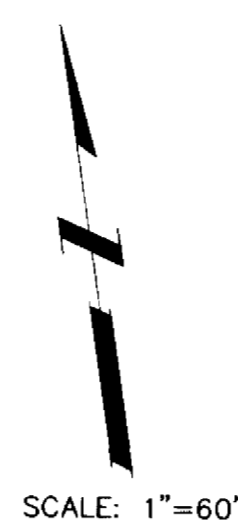
The Planning Department has not received any phone calls, emails, or letters in opposition to the Conditional Use Permit request.

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit request subject to compliance with the above mentioned requirements. The property owner must also comply with all other Building and Zoning requirements regarding all other existing and future structures.



LEGEND

- SET 1/2" IRON ROD
- SET 60-D NAIL
- FOUND 60-D NAIL
- R.O.W. RIGHT OF WAY
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- H.C.D.R. HIDALGO COUNTY DEED RECORDS



LOPEZ-TORRES SUBDIVISION

AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS.

BEING A 1.84 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF THE SOUTH 3.0 ACRES OF THE NORTH 10.0 ACRES OF THE EAST 1/2 OF LOT 8, BLOCK 2, RIO BRAVO PLANTATION COMPANY SUBDIVISION OF PARTS OF PORCIONES 61, 62 AND 63, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME "W," PAGES 196 THRU 197, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

- GENERAL PLAT NOTES:**
- MINIMUM SETBACK LINES = FRONT 85' OR GREATER FOR AN APPROVED SITE PLAN OR EASEMENT.
OTHER SETBACKS AS PER ZONING ORDINANCE OR GREATER FOR AN APPROVED SITE PLAN OR EASEMENT.
 - LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "AH & B" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/02/82, COMMUNITY PANEL NO. 480343 0010 C.
 - MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF EACH LOT.
 - 4" SIDEWALKS SHALL BE REQUIRED ALONG SOUTH WARE ROAD.
 - THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 6,141.96 CUBIC FEET (0.141 AC. FEET) OF DRAINAGE RUNOFF VOLUME.
 - THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
 - NO POTABLE DRINKING WATER WELL IS LOCATED WITHIN 150.0 FEET FROM THIS SUBDIVISION.
 - 6' BUFFER REQUIRED FROM ADJACENT RESIDENTIAL ZONE/USE.
 - SITE PLAN MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMIT.
 - AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
 - MCALLEN SURVEY CONTROL POINT NO. 92, LOCATED INSIDE IDELA STREET 50 FEET NORTH FROM THE B.C. OF IDELA STREET AND 162 FEET EAST FROM THE CL. OF WARE ROAD.

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON: 9/30/04 AT 4:40 AM
AS A RECORDING NUMBER 1387508
BY: *Wanda Leaf* DEPUTY

Recorded in Volume 46, page 37
of the map records of Hidalgo
County, Texas
J.D. Salinas III
County Clerk

PRINCIPAL CONTACTS

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: ALEJANDRO LOPEZ	4316 P.O. BOX 177	PHARR, TEXAS 78577	(956) 867-8998	(956)
OWNER: SARA C. LOPEZ	4316 P.O. BOX 177	PHARR, TEXAS 78577	(956) 867-8998	(956)
ENGINEER: DAVID O. SALINAS	1013 SYCAMORE	MCALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR: DAVID O. SALINAS	1013 SYCAMORE	MCALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED OWNER (S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE LOPEZ-TORRES SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

Alejandro Lopez
OWNER: ALEJANDRO LOPEZ
P.O. BOX 477
PHARR, TEXAS 78577

Sara C. Lopez
OWNER: SARA C. LOPEZ
P.O. BOX 177
PHARR, TEXAS 78577

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED THE PERSON OR PERSONS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 15th DAY OF August, 2004.

JUDITH MUNOZ
NOTARY PUBLIC
State of Texas
Comm. Exp. 07-28-2007

Judith Munoz
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES: 7-28-2007

STATE OF TEXAS
CITY OF MCALLEN

I, THE UNDERSIGNED, MAYOR OF THE CITY MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

David Stuber
MAYOR

Judith Munoz
NOTARY PUBLIC

9-09-04
DATE

STATE OF TEXAS
CITY OF MCALLEN

I, THE UNDERSIGNED VICE-CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

David Salinas
VICE-CHAIRMAN
PLANNING AND ZONING COMMISSION

9-08-04
DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION, AND, FURTHER, DO HEREBY CERTIFY THAT NONE OF THE AREAS BEING PLATTED HEREIN AS LOPEZ-TORRES SUBDIVISION DESCRIBED BY METES AND BOUNDS DESCRIPTION (SEE METES AND BOUNDS DESCRIPTION AT THE RIGHT) ARE NOT LOCATED IN A FLOOD PRONE AREA DESIGNATED AS ZONES "C" DEFINED AND DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

David Omar Salinas
DAVID OMAR SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #71973

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

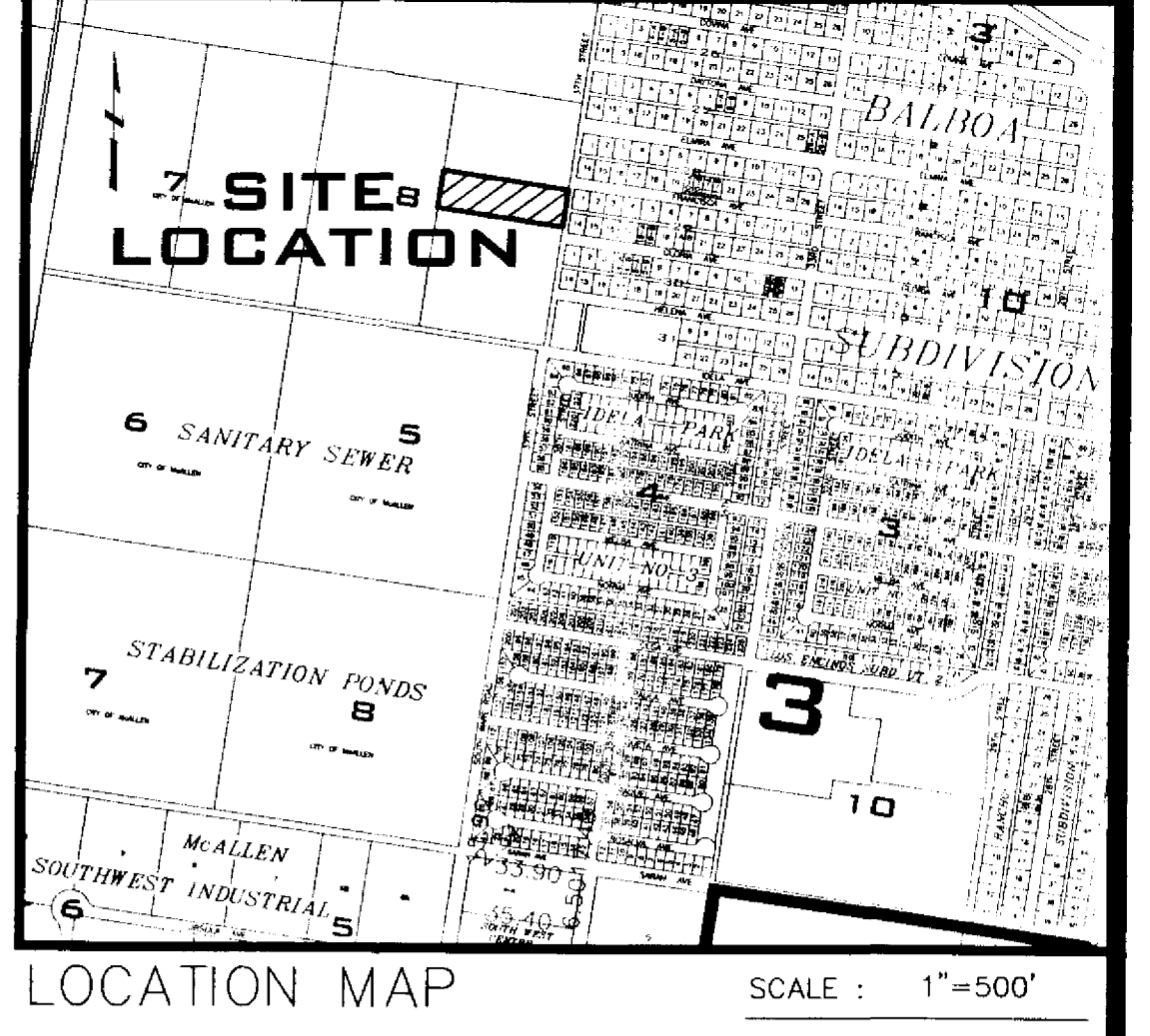
David O. Salinas
DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATION

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.21(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

By: *[Signature]*
DATE: 9/24/04



METES AND BOUNDS DESCRIPTION

BEING A 1.84 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF THE SOUTH 3.0 ACRES OF THE NORTH 10.0 ACRES OF THE EAST 1/2 OF LOT 8, BLOCK 2, RIO BRAVO PLANTATION COMPANY SUBDIVISION OF PARTS OF PORCIONES 61, 62 AND 63, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME "W," PAGES 196 THRU 197, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 1.84 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A NAIL FOUND ON THE SOUTHEAST CORNER OF SAID LOT 8 LOCATED WITHIN THE RIGHT-OF-WAY OF SOUTH WARE ROAD; THENCE, AS FOLLOWS:

- NORTH, COINCIDENT WITH THE EAST LINE OF SAID LOT 8, A DISTANCE OF 660.0 FEET TO A NAIL SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- (1) THENCE, WEST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 105.0 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH WARE ROAD, AT A DISTANCE OF 405.0 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD SET FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (2) THENCE, NORTH, ALONG A LINE PARALLEL TO THE EAST LINE OF SAID LOT 8, A DISTANCE OF 198.0 FEET TO A 1/2 INCH DIAMETER IRON ROD SET FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (3) THENCE, EAST, ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 8, A DISTANCE OF 300.0 FEET PASS A 1/2 INCH DIAMETER IRON ROD SET ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH WARE ROAD, AT A DISTANCE OF 405.0 FEET IN ALL TO A NAIL SET ON INTERSECTION WITH THE EAST LINE OF SAID LOT 8 FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- (4) THENCE, SOUTH, COINCIDENT WITH THE EAST LINE OF SAID LOT 8, A DISTANCE OF 198.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.84 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE EAST 105.0 FEET (OR 0.48 ACRES, MORE OR LESS) ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH WARE ROAD, LEAVING 1.36 NET ACRES OF LAND, MORE OR LESS.

BEARING SOURCE: BALBOA ACRES SUBDIVISION, MCALLEN, HIDALGO COUNTY, TEXAS.

LOPEZ-TORRES SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOCIATES
DATE OF PREPARATION: AUGUST 24, 2004
OWNER: LOPEZ, ALEJANDRO AND SARA C.
P.O. BOX 177
PHARR, TEXAS 78577

SEA
SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
1013 SYCAMORE - MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)



NOTICE
FOOD TRUCK
PARK
FOR
THIS PROPERTY
CUP 2014-0177

Memo

TO: Planning and Zoning Commission

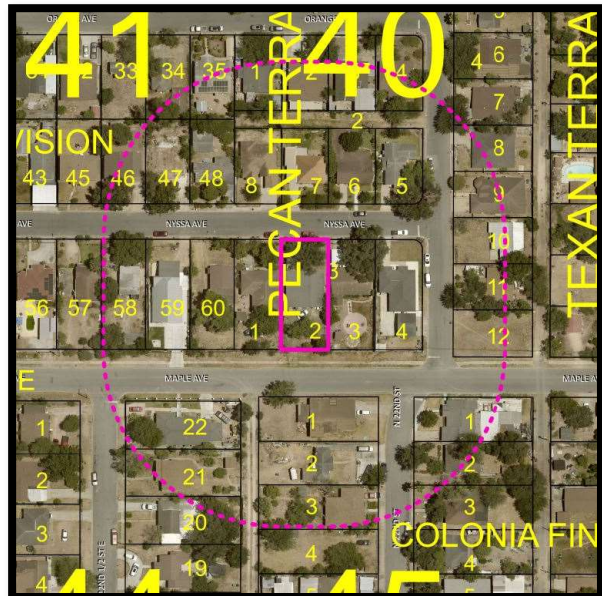
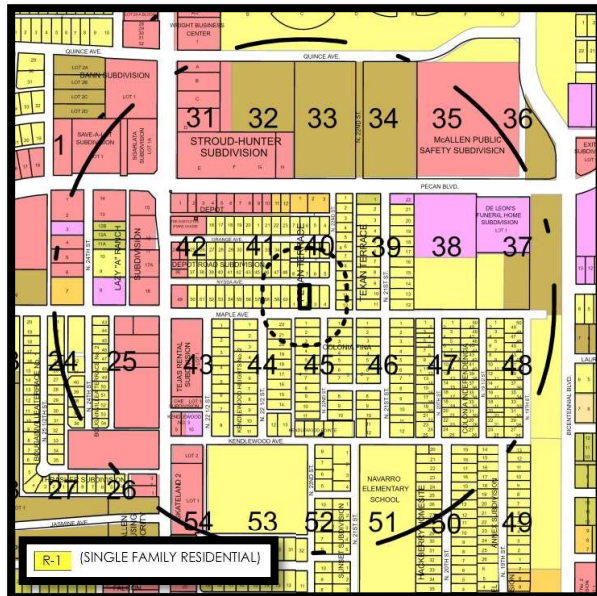
FROM: Planning Staff

DATE: November 25, 2024

SUBJECT: REQUEST OF BLANCA RODRIGUEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A HOME OCCUPATION (BEAUTY SALON) AT LOT 2, BLOCK 3, PECAN TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2209 NYSSA AVENUE. (CUP2024-0129)

BRIEF DESCRIPTION:

The property is located on the north side of Maple Avenue, approximately 106 feet west of North 22nd Street and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land uses include single family residences. A home occupation is permitted in an R-1 zone with a conditional use permit.



HISTORY:

This is the initial Conditional Use Permit for a Home Occupation (beauty salon) at this location. The application for this request was submitted on October 29, 2024.

REQUEST ANALYSIS:

Currently, there is an existing 6,572.00 square feet residence on the property. The applicant is proposing to operate a beauty salon from the existing residence. The living room will be used as the work area for the business. The applicant stated that the hours of operation will be 9:00am to 3:00pm by appointment only.

The Fire Department has been in contact with the applicant; however, it is still pending the Fire inspection. Should the conditional use permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The establishment must also comply with

requirements set forth in Section 138-118(1) of the Zoning Ordinance and other specific requirements as follows:

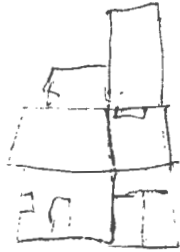
- 1) The home occupation must be clearly secondary to the residential use. The applicant lives in the residence;
- 2) No signs are permitted. No signs are proposed;
- 3) There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling. The applicant proposes no exterior display or alterations;
- 4) There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises;
- 5) There shall be no outside storage of materials or products. The applicant proposes no outside storage;
- 6) The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the city traffic engineer. Customers will be by appointment only;
- 7) No retail sales (items can be delivered). No retail sales are being proposed;
- 8) No additions to the residence or accessory building specifically to accommodate the business. The applicant proposes no additions or accessory buildings;
- 9) The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building;
- 10) The activity must take place at the location of which the permit was issued.

RECOMMENDATION:

Staff recommends approval of the request for one year subject to compliance with requirements in Section 138-118(1) of the Zoning Ordinance and Fire Department requirements.

DIMENSIONES

MAPA



2200 UYSSA



* CARTA DE AUTORIZACION

- FIRMADA
- DIRECCION
- HORARIO DE OPERACION

MAPLE ST

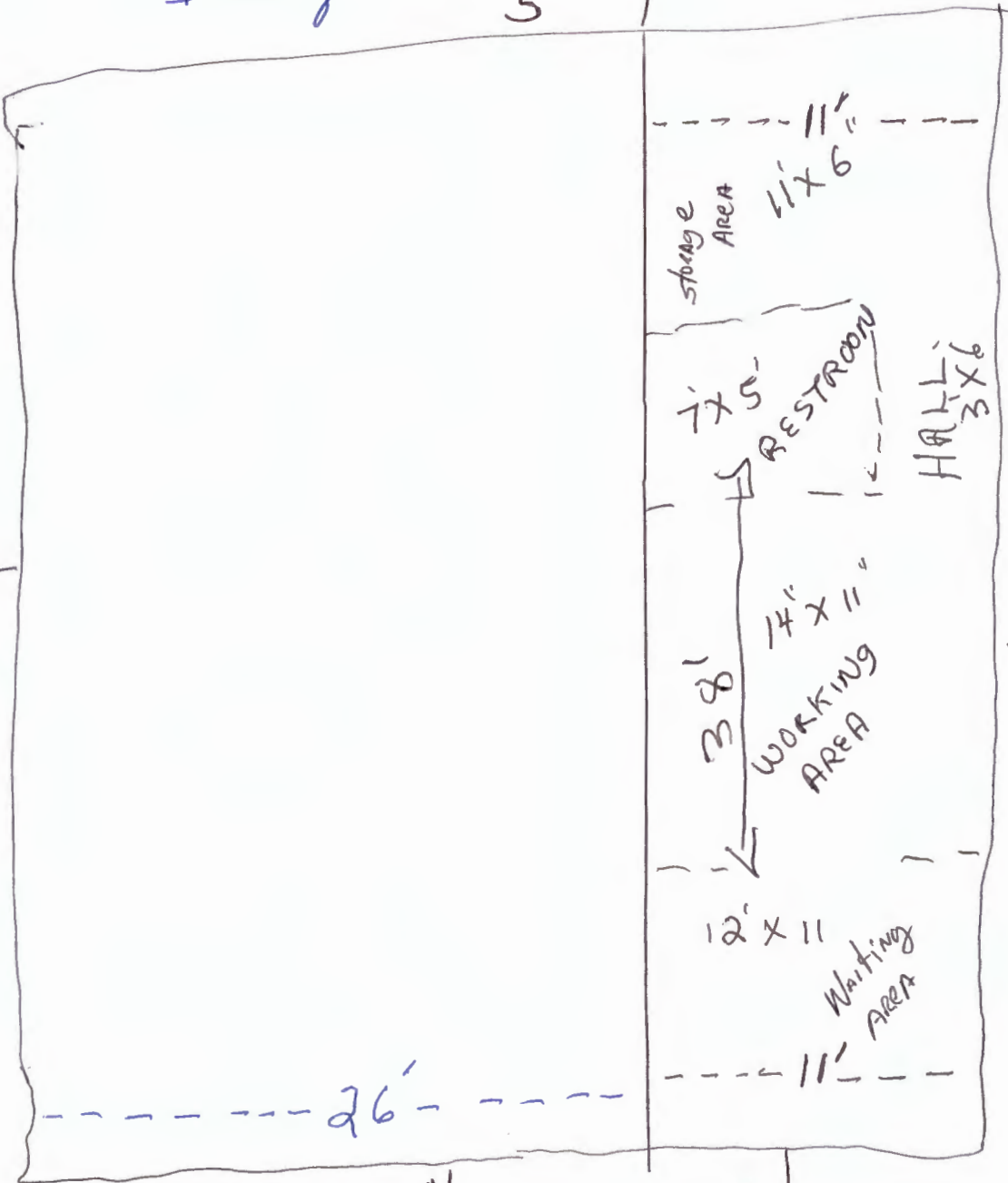
D' CACHE HAIR SALON

26'
Drive way

5

50'

7 1/2'
N 22ND STR



5

5

2209 NYSSA 35'

MCALLEN TX 78501

RECEIVED
OCT 9 2026

BY: *[Signature]*





Memo

TO: Planning and Zoning Commission

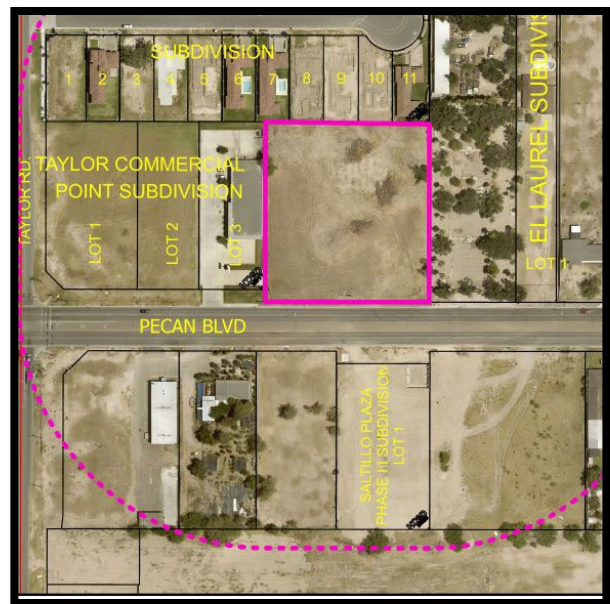
FROM: Planning Staff

DATE: November 22, 2024

SUBJECT: Request of Joseph L. Salinas on behalf of Mikada, LLC (Jose Chanin), for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (La Azotea Rooftop) at Lot 1, Mikada Subdivision, Hidalgo County, Texas; 5000 Pecan Boulevard, Building 100. (CUP2024-0131)

DESCRIPTION:

The property is located along the north side of Pecan Boulevard and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the west and south, C-1 (office building) District to the east, R-1 (single family residential) District to the north, and C-2 (neighborhood commercial) District to the south. Surrounding land uses include offices, retail, and single family residential. A cocktail lounge is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



HISTORY:

This is the initial conditional use permit request for the cocktail lounge at this location.

ANALYSIS:

The applicant is proposing to operate a cocktail lounge (La Azotea Rooftop) from an existing 4,805 square foot building. The proposed hours of operation would be Monday-Thursday from 11 a.m. - 12 a.m., Friday-Saturday from 11 a.m. – 2 a.m., and Sunday from 11 a.m. – 3 p.m.

The Fire and Health Departments have inspected the bar and the property is in compliance. The Planning Department has received no complaints regarding this request. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the Lot of the abovementioned business must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of a residential zone or use;
2. The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to Pecan Boulevard and does not generate traffic into residential areas;
3. The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage, 15 parking spaces are required and are provided as per site plan in a shared parking lot.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
5. The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.
6. The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

Staff has not received any phone calls, emails, or letters in opposition to the request.

RECOMMENDATION:

Staff recommends disapproval of the request based on noncompliance with requirement of distance to a residence or residentially zoned property of Section 138-118(4) of the Zoning Ordinance.

GENERAL NOTES

- GENERAL CONDITIONS OF THE CONTRACTOR FOR CONSTRUCTION.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE ON-SITE OFF-SITE COORDINATION WITH ALL NEIGHBORS AND AGENCIES TO THE BIDDING OR COMMERCIAL WORK.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE ON-SITE OFF-SITE COORDINATION WITH ALL NEIGHBORS AND AGENCIES TO THE BIDDING OR COMMERCIAL WORK.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE ON-SITE OFF-SITE COORDINATION WITH ALL NEIGHBORS AND AGENCIES TO THE BIDDING OR COMMERCIAL WORK.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE ON-SITE OFF-SITE COORDINATION WITH ALL NEIGHBORS AND AGENCIES TO THE BIDDING OR COMMERCIAL WORK.
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- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE ON-SITE OFF-SITE COORDINATION WITH ALL NEIGHBORS AND AGENCIES TO THE BIDDING OR COMMERCIAL WORK.

REVISIONS

No.	DATE	PHASE	DD
1	09.27.2024		

PROJECT NAME
5000 PECAN BLVD. BLDG. 100 McALLEN, TEXAS 78504
LA AZOTEA
MIKADA PLAZA

PROJECT No. 2432
PHASE DD
ISSUE DATE: 10.02.2024
DRAWN BY: VM
CHECKED BY: CC

SHEET
D2.3

FOR REVIEW ONLY - NOT FOR CONSTRUCTION

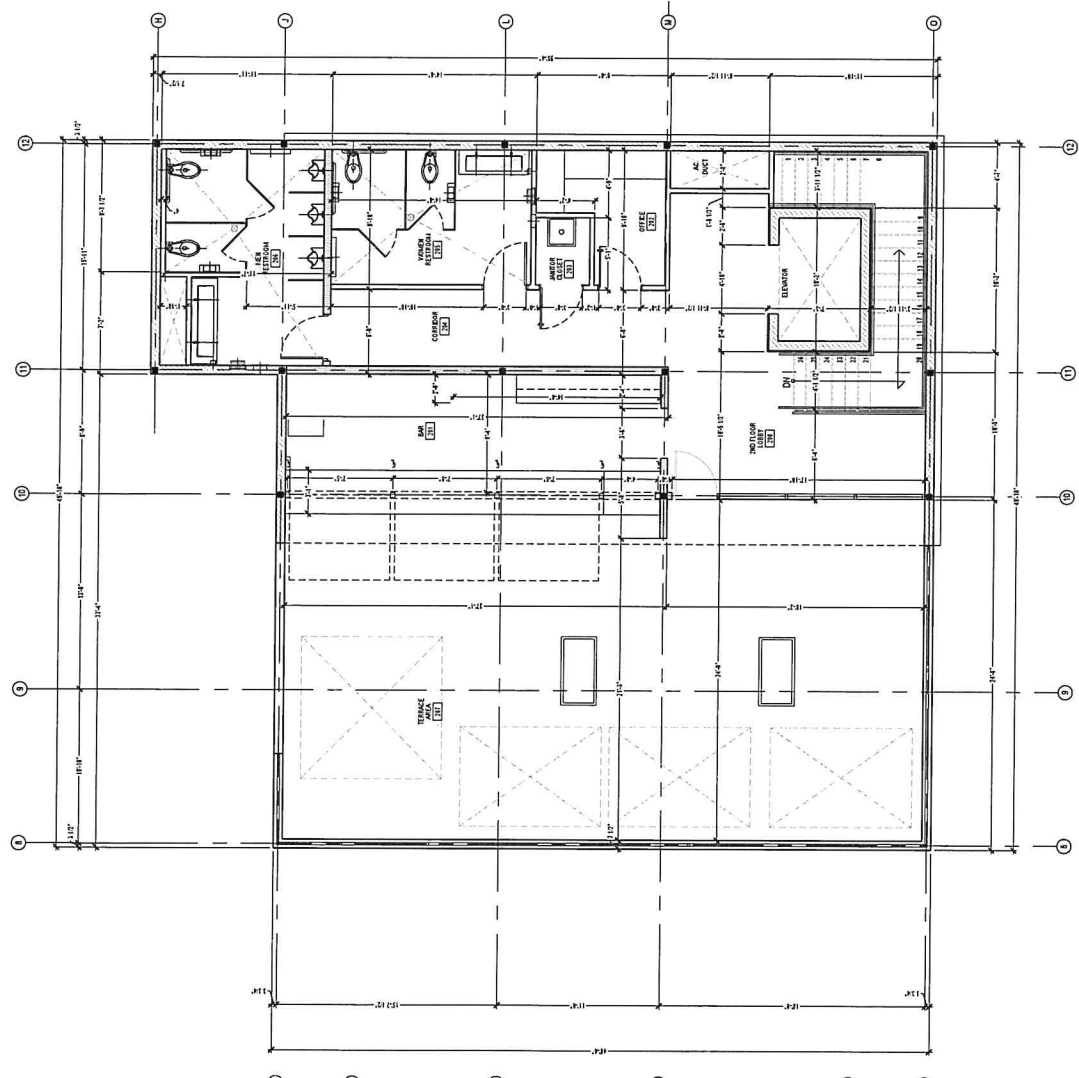
AREA SCHEDULE

AREA	AREA	AREA
INTERIOR	2,345 S.F.	
EXTERIOR	1,234 S.F.	
TOTAL	3,579 S.F.	

WALL LEGEND

- EXISTING WALL TO REMAIN
- INTERIOR - 5/8" MINERAL FIBER INSULATION WITH 1/2" GYP BOARD, T.E.E. & PAINT
- INTERIOR - 1/2" MINERAL FIBER INSULATION WITH 1/2" GYP BOARD, T.E.E. & PAINT
- EXTERIOR - 4" CONCRETE WITH 1/2" GYP BOARD, T.E.E. & PAINT
- EXTERIOR - 8" CONCRETE WITH 1/2" GYP BOARD, T.E.E. & PAINT

REFER TO DETAIL FOR WALL TYPE DETAILS.



1 | PROPOSED 2ND FLOOR PLAN
Scale: 1/4" = 1'-0"

8000 # 3 100

NOTICE
BAR
FOR
THIS PROPERTY
CUP2024-0131

Memo

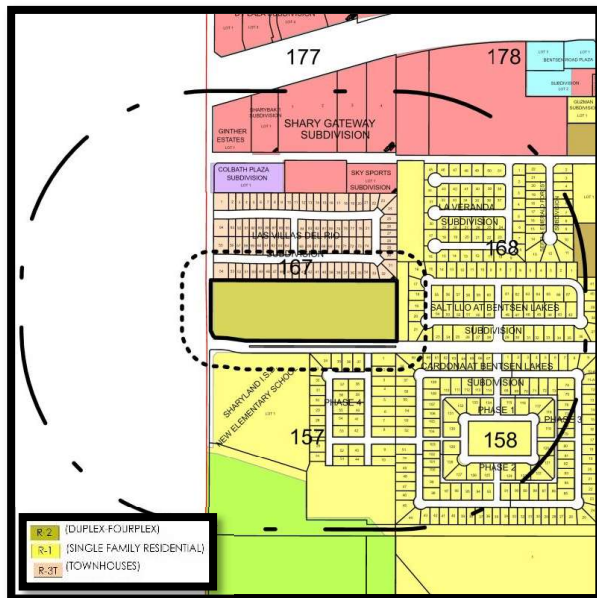
TO: Planning and Zoning Commission

DATE: November 25, 2024

SUBJECT: REQUEST OF MELDEN AND HUNT INC., ON BEHALF OF SYNERGY A REAL ESTATE ALLIANCE LLC., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR PLANNED UNIT DEVELOPMENT (TAYLOR VILLAS) AT A 12.51 ACRE TRACT OF LAND OUT OF LOT 167, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2021 SOUTH TAYLOR ROAD. (CUP2024-0132)

TABLED

BRIEF DESCRIPTION: The property is located at the northeast corner of South Taylor Road and Uvalde Avenue. The tract has a lot size of 12.51 gross acres and is currently vacant with street improvements in place. The property is zoned R-2 (duplex-fourplex residential) District. The adjacent zoning is R-3T (multi-family townhouse residential) District to the north, and R-1 (single-family residential) District to the east and south. The area to the west, across South Taylor Road, is outside of McAllen’s city limits. A Planned Unit Development (PUD) is permitted in an R-2 District with a Conditional Use Permit and in compliance with Article IV for Planned Developments of the Subdivision Ordinance.



HISTORY: The tract of land was annexed into the City and initially zoned R-2 District on September 22, 2015. A rezoning request to R-3A District for the subject property was submitted on October 10, 2022 and the Planning and Zoning Commission recommended disapproval of the request at the meeting of November 16, 2022. After being advised by the Planning and Zoning Commission to consider the PUD process, the applicant withdrew his request before it could be considered by the City Commission.

An application for a proposed subdivision was submitted on April 28, 2015 for a 42-lot duplex-fourplex development under the name "Taylor Villas" and was approved in preliminary form at the Planning and Zoning Commission meeting of September 1, 2015. A variance to the R.O.W. was approved by the Planning and Zoning Commission at 50 feet instead of 60 feet with 40 feet of pavement width and 10 feet of sidewalk and utility easements on both sides. Improvements were made on the subject property that appear to comply with its original zoning designation and subdivision proposal.

The original proposed subdivision was approved in revised final form at the Planning and Zoning Commission meeting of July 18, 2017, however the subdivision was never recorded. Since the property changed ownership before the plat was recorded, a new subdivision application was submitted on December 28, 2022. The subdivision plat received approval in preliminary form at the Planning and Zoning Commission meeting of January 17, 2023. The PUD was approved at the City Commission meeting of June 24th, 2024.

REQUEST/ANALYSIS: The applicant is proposing to use the existing 12.51 gross acres of vacant land to establish a PUD for a multi-family apartment development. The subdivision for this PUD is proposed as a private/gated subdivision. The PUD will have 40 lots, 84 apartment buildings, and 168 living units in total.

PUDs allow a variety of land uses that complement each other within the development and with existing land uses in the vicinity. Specific requirements for the approval of PUDs are set forth on Article IV for Planned Developments of the Subdivision Ordinance, and are summarized as the following:

1. **CONCEPTUAL SITE PLAN:** Development and use of the property must comply with the conditional use permit conceptual site plan.
2. **PERMITTED USES:** Proposed uses are uses permitted in the R-3A (multi-family apartment residential) District for detached buildings designated as apartments.
3. **OFF-STREET PARKING AND LOADING:** Parking in compliance with Chapter 134 Article VII, Section 138-395 (1) (b.). Triplex, fourplex, apartment/condominium buildings with five or more units: Two parking spaces for each two or more bedrooms living unit. Based on the 168 living units, 334 total parking spaces are proposed, with 4 parking spaces for Lot 26, 8 parking spaces required for Lots 1-13, 15, 20, 16-18, 21-24, 19, 25, 27-39, 24 parking spaces required for Lot 14 and 10 parking spaces for Lot 40. The overall site plan is complying with parking requirements.
4. **LANDSCAPING:** A minimum of ten percent of the area of any lot or parcel shall be devoted to landscape material and comply with the intent and purpose of this article and 50 percent of such landscaped area for nonresidential lots shall be visible from the street fronting the developed property. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement. However, right-of-way areas shall be landscaped. Landscape areas associated with drainage detention facilities located on the lot or parcel may be credited towards the landscape area requirement. A minimum of 50 percent of the area within the required front yard of any residential parcel shall be devoted to landscape material.
 - a. **Landscape (sod/green area) square footage requirement per Lot:**
 - i. **Lots 4-12:** 866
 - ii. **Lots 16-18 & 21-24:** 897
 - iii. **Lots 27-38:** 850
 - iv. **Lot 1:** 866, **Lots 2, 3:** 898, **Lot 13:** 865, **Lot 14:** 2,657, **Lot 15:** 874, **Lot 19:** 897, **Lot 25:** 874, **Lot 26:** 531, **Lot 39:** 850, **Lot 40:** 1,087.

As per Section 110-51 (1), when the required area being landscaped is from one to 2,000 square feet a minimum of one tree for every 200 square feet of landscape area shall be required.

- b. **Tree requirements per Lot (2.5", 4", and 6" caliper size):**
 - i. All lots will require a minimum of 5 trees at 2.5" caliper size, except for Lot 42 which

will require 6 trees at 2.5" caliper size.

- ii. 3 trees at 4" caliper size can also be provided for all lots, or two tree at 6" caliper size, except for Lot 14 which will require 3 trees at 6" caliper size.
5. **STREETS AND SETBACKS:** Final setbacks and right-of-way dedication will be addressed and determined through the subdivision review process.
6. **DRAINAGE:** Addressed through subdivision process. Final drainage detention and design and the drainage plan must be submitted and in accordance with City of McAllen Standard Design Guide.
7. **ADDITIONAL PROVISIONS:** Conditional Use Permit site plan controls if there is conflict with other City ordinances. A decision by the Planning Director may be reviewed by the Planning and Zoning Commission for recommendation to the City Commission Board for final determination. The Conditional Use Permit calls for mixed use and a minimum of five (5) acres. The development has 12.51 acres and is proposing a single use.
8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.
9. A recorded subdivision plat and PUD site plan is required prior to issuance of building permits. The subdivision review process must be completed, and the subdivision plat must be recorded together with the PUD site plan.

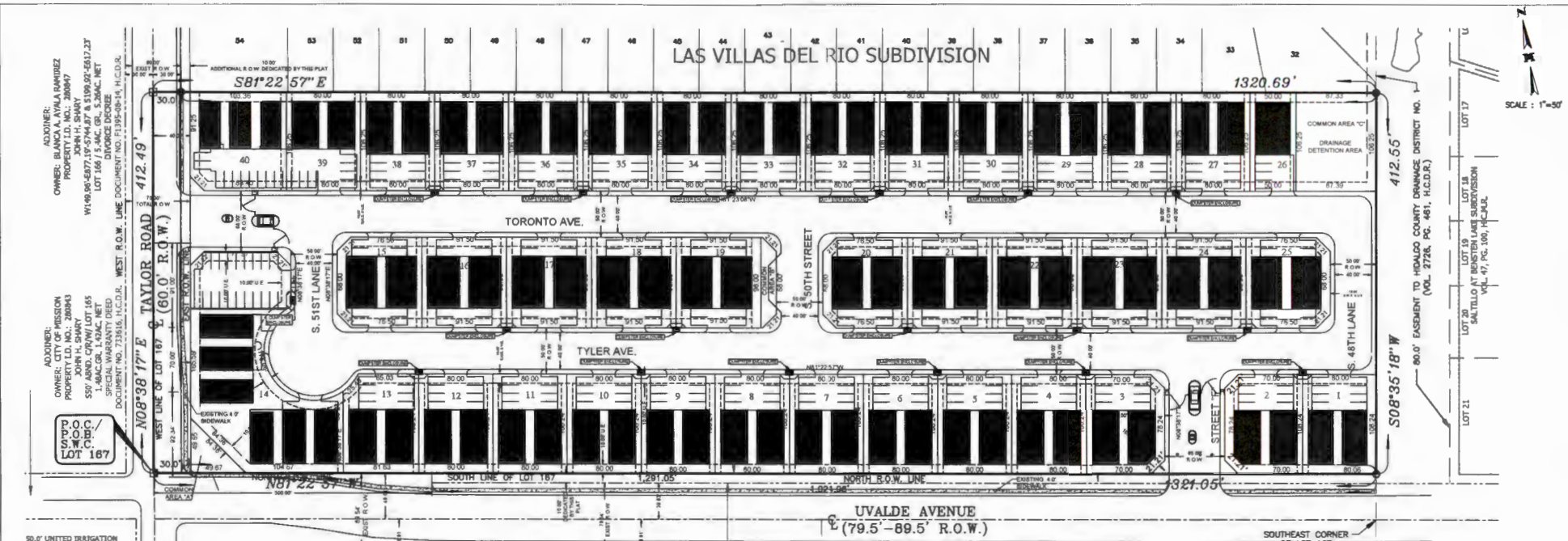
OTHER PUD SITE PLAN CONSIDERATIONS: Three different elevation plan types will be recorded along with the PUD site plan that will reflect three different lot groups (i.e., Lots 1-16, Lots 17-27, and Lots 29-42).

If the subdivision or building layout changes, the Conditional Use Permit will need to be amended to resemble the approved Subdivision Plat. The PUD must comply with all City department requirements, including but not limited to, the Building Permit & Inspections Department, Planning Department, Utility Department, Engineering Department, Fire Department, and the Environmental and Health Code Compliance Department. Finally, if this request is granted approval, all proposed structures and improvements on the recorded Subdivision Plat and PUD site plan will be required during the building permitting process.

Staff did not receive any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION:

Staff recommends approval of the Planned Unit Development as presented, for life of the use, subject to all aforementioned conditions.



OWNER: BAYLA BARRIEZ
PROPERTY I.D. NO. 200847
W/46.94-647.19-57.64.37 & S/109.92-5812.23
LOT 166 75.24C, 6C, 3.30AC, NET
STATE DOCUMENT NO. 1319-04-014, H.C.D.R.

OWNER: JAMES W. BARRIEZ
PROPERTY I.D. NO. 200843
S/57.48-0.00-0.00/1/1 LOT 165
1.46AC, 0.1.12AC, NET
STATE DOCUMENT NO. 723515, H.C.D.R.

P.O. BOX 167
W.V.C.
LOT 167

ADJOINER:
OWNER: SHARYLAND NEW ELEMENTARY SCHOOL
VOL. 46, PG. 88, H.C.M.R.

ADJOINER:
OWNER: BENTSEN LAKES, L.P.
SPECIAL WARRANTY DEED
DOCUMENT NO. 1115889, H.C.D.R.

ADJOINER:
OWNER: CARDONA AT BENTSEN LAKES PHASE IV
VOL. 49, PG. 129, H.C.M.R.

ADJOINER:
OWNER: LOT 1
SHARYLAND NEW ELEMENTARY SCHOOL
VOL. 46, PG. 88, H.C.M.R.

PLANNED UNIT DEVELOPMENT
TAYLOR VILLAS SUBDIVISION PUD

BEING A 12.31 ACRE TRACT OF LAND OUT OF LOT 167 JOHN B. SHARY SUBDIVISION, HEDALGO COUNTY, TEXAS ACCORDING TO PLAT RECORDED IN VOLUMES 1, PAGE 17, DEED RECORDED, HEDALGO COUNTY, TEXAS

THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS TAYLOR VILLAS, SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME(S) SHALL BE SUBSCRIBED HERETO, DO HEREBY GRANT AN EASEMENT TO THE CITY OF MCALLEN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE SURFACE USE OF THE STREETS, ALLEYS, COMMON AREAS AND UTILITY EASEMENTS THEREON SHOWN ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MCALLEN, EMPLOYEES OF THE UTILITY COMPANIES UNDER FRANCHISE OF SAID CITY, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. OWNERSHIP AND MAINTENANCE OF ALL STREET IMPROVEMENTS AND COMMON AREAS SHALL REMAIN WITH AND BE THE RESPONSIBILITY OF THE TAYLOR VILLAS HOMEOWNERS ASSOCIATION. THE OWNER DOES HEREBY DEDICATE TO THE USE OF THE PUBLIC THE PORTIONS OF TAYLOR ROAD AND UVALDE AVENUE FOR USE AS A STREET RIGHT OF WAY DEDICATED TO THE CITY OF MCALLEN.

SERGIO GONZALEZ, MANAGER
SHENRY A REAL ESTATE ALLIANCE, LLC
4001 B. SHARY ROAD, SUITE 860-47
MISISSIPPI, TX. 7972

STATE OF TEXAS
COUNTY OF HEDALGO
I, THE UNDERSIGNED, MARIO A. REYNA, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS,
HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.
DATED THIS _____ DAY OF _____, 20____.

MARIO A. REYNA, LICENSED PROFESSIONAL ENGINEER No. 117558
STATE OF TEXAS
DATE DESIGNED #192024
ENGINEERING JOB # 24068.00



SITE PLAN

SITE PLAN GENERAL NOTES

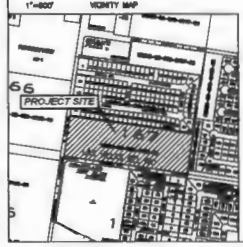
- MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:
A) FRONT: 30 FT. EXCEPT 15 FT. FOR ENCLOSED CARPORTS OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.
B) REAR: 10 FT. OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.
C) SIDER: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.
D) CORNER: 10 FT. OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.
E) GARAGE: 15 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES.
- 5 FT. WIDE MINIMUM SIDEWALK REQUIRED ON E. TAYLOR ROAD, UVALDE AVENUE, AND ON BOTH SIDES OF ALL INTERIOR STREETS
- THIS PUD SITE PLAN IS SUBJECT TO COMPLY WITH THE REQUIRED CONDITIONS UNDER TAYLOR VILLAS SUBDIVISION RECORDED UNDER DOCUMENT NO. _____ HEDALGO COUNTY MAP OF RECORDS.
- DUMPSTER ENCLOSURES TO NOT HAVE DOOR, DUMPSTER ENCLOSURES TO BUILT AND MAINTAINED BY PROPERTY OWNER/AND NOT THE CITY OF MCALLEN.
- DUMPSTER TO COMPLY WITH PUBLIC WORKS DEPT. CURBSIDE DETAILS.

STATE OF TEXAS
COUNTY OF HEDALGO
I, THE UNDERSIGNED, DAVID O. SAUSSE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF MCALLEN SUBDIVISION ORDINANCE AND ALL STATE STATUTES GOVERNING SURVEYS.

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2251 DAWPOOL AVENUE
MCALLEN, TEXAS 78801
(989) 824-0011

DATE OF PREPARATION 03-05-2024

SITE INFORMATION						
#	LOT	SQ.FT. TOTAL TWO STORY	LOT AREA	LANDSCAPE PROVIDED	6" OAK TREE	PARKING PROVIDED
1	1	6,398.00	8,662.15	3,231.15	1	8
2	2	6,908.00	8,979.19	3,293.19	1	8
3	3	6,904.00	8,974.84	3,290.84	1	8
4	4-12	6,872.00	8,658.89	2,990.89	1	8
5	13	7,096.00	8,652.09	2,890.09	1	8
6	14	17,536.00	26,576.08	11,360.27	3	24
7	15,20	7,336.00	8,742.00	2,770.00	1	8
8	16-18 & 21-24	7,384.00	8,967.00	2,771.00	1	8
9	19	7,336.00	8,967.00	2,995.00	1	8
10	25	7,336.00	8,744.25	3,668.00	1	8
11	26	4,350.00	5,312.50	1,708.39	1	4
12	27-38	7,336.00	8,500.00	2,948.00	1	8
13	39	5,944.00	8,500.00	2,636.00	1	8
14	40	6,904.00	10,871.50	3,774.22	1	10



MELDEN & HUNT, INC.
CONSULTING ENGINEERS & SURVEYORS
115 W. BUNTYVILLE - SHERBURG, TX 78641
PH: (989) 381-0341 - FAX: (989) 381-1838
ESTABLISHED 1941 - www.meldenandhunt.com

RECEIVED

NOV 06 2024

By **NG**

SHEET 1 of 1



NOTICE
PLANNED UNIT
DEVELOPMENT
FOR
THIS PROPERTY
CUP2024-0132
CITY OF PALM BEACH COUNTY
PLANNING DEPARTMENT
WWW.PALMBEACHFLA.GOV

Memo

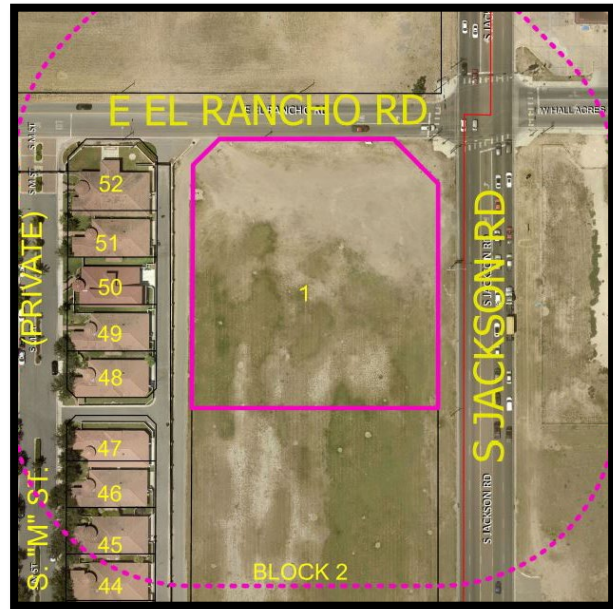
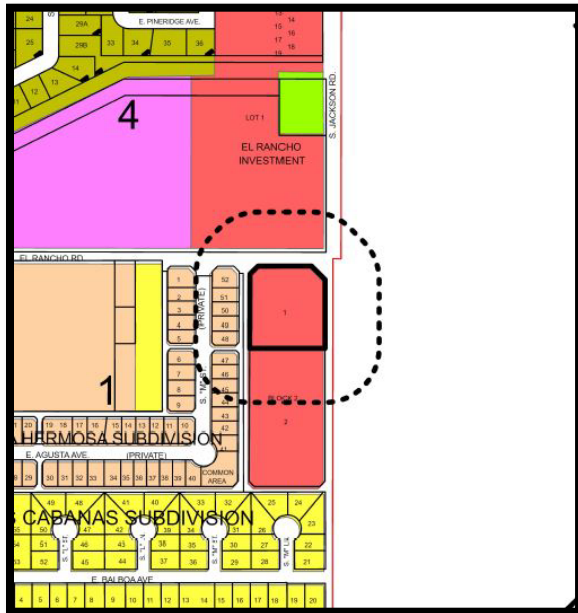
TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: November 22, 2024

SUBJECT: REQUEST OF KEATON MAI, ON BEHALF OF JUSTIN NOWELL, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR A GASOLINE SERVICE STATION AT LOT 1, BLOCK 2, VILLA HERMOSA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3400 SOUTH JACKSON ROAD. (CUP2024-0128)

BRIEF DESCRIPTION: The property is located at the southwest corner of East El Rancho Road and South Jackson Road, and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north and south, R-3T (multifamily residential townhomes) District to the west and City of Pharr city limits is to the east across South Jackson Road. Surrounding land uses are vacant lots, and residential townhomes. A gasoline station is allowed in a C-3 district with a Conditional Use Permit and in compliance with requirements.



REQUEST/ANALYSIS: The applicant is proposing to operate a convenience store and gas station from the subject property. The location will offer a 5,650 square-foot convenience store and an 4,608 square feet canopy for gasoline fuel pumps. Based on the square footage of the convenience store, 18 parking spaces are required for the location and 18 are proposed. This is the initial Conditional Use Permit request for the proposed use. Changes in ownership may require a new CUP application. Any future changes may require an amendment to the CUP, subject to site plan review and/or subdivision.

The Fire and Health Departments have conducted their inspections and approved the CUP process to continue. The proposed use must comply with Sections 138-257 through 138-261, and Section 138-280 of the Zoning Ordinance and the following specific requirements:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Curb cuts are proposed from East El Rancho Road and South Jackson Road;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. Convenience store building is proposed to comply with required setbacks.
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. There will be no automobile servicing; The subject property is 80, 142 square feet in size.
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. The gas pumps are not located within 100 ft. of a residential district.

Staff did not receive any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit request for life of use, subject to compliance with Sections 138-257 through 138-261, and Section 138-280, the specific conditions noted, Building Code and, Fire Department requirements, and all other relevant Zoning and Subdivision ordinances.



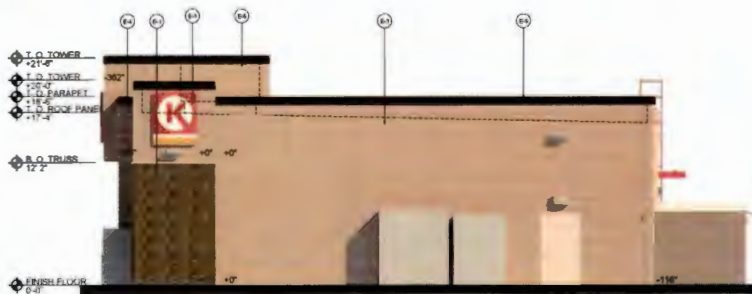
FRONT ELEVATION QSR (EAST) 1

N.T.S.



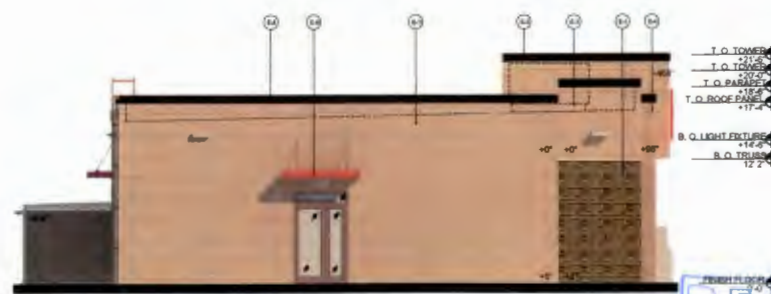
REAR ELEVATION QSR (WEST) 2

N.T.S.



RIGHT SIDE ELEVATION QSR (NORTH) 3

N.T.S.



LEFT SIDE ELEVATION QSR (SOUTH) 4

N.T.S.

-  E-6 SPANDREL
-  E-4 ALUMINUM
-  E-7 ANODIZED WINDOW
- E-4 1" INSULATED CLEAR
-  E-5 METAL COPING/LADDER/GUTTER & DOWNSPOUT
-  E-4 MICHA TUFF
-  E-3 MICHA TUFF BLOCK
-  E-2 MICHA TUFF
-  E-1 MICHA LEDGESTONE

MATERIAL LEGEND

N.T.S.



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REVISION

A	ISSUE	DATE

PROFESSIONAL IN CHARGE
 XX
PROJECT MANAGER
 XX
QUALITY CONTROL
 XX
DRAWN BY
 XX

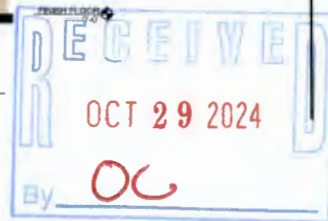
PROJECT NAME
 CIRCLE K STORES, INC.

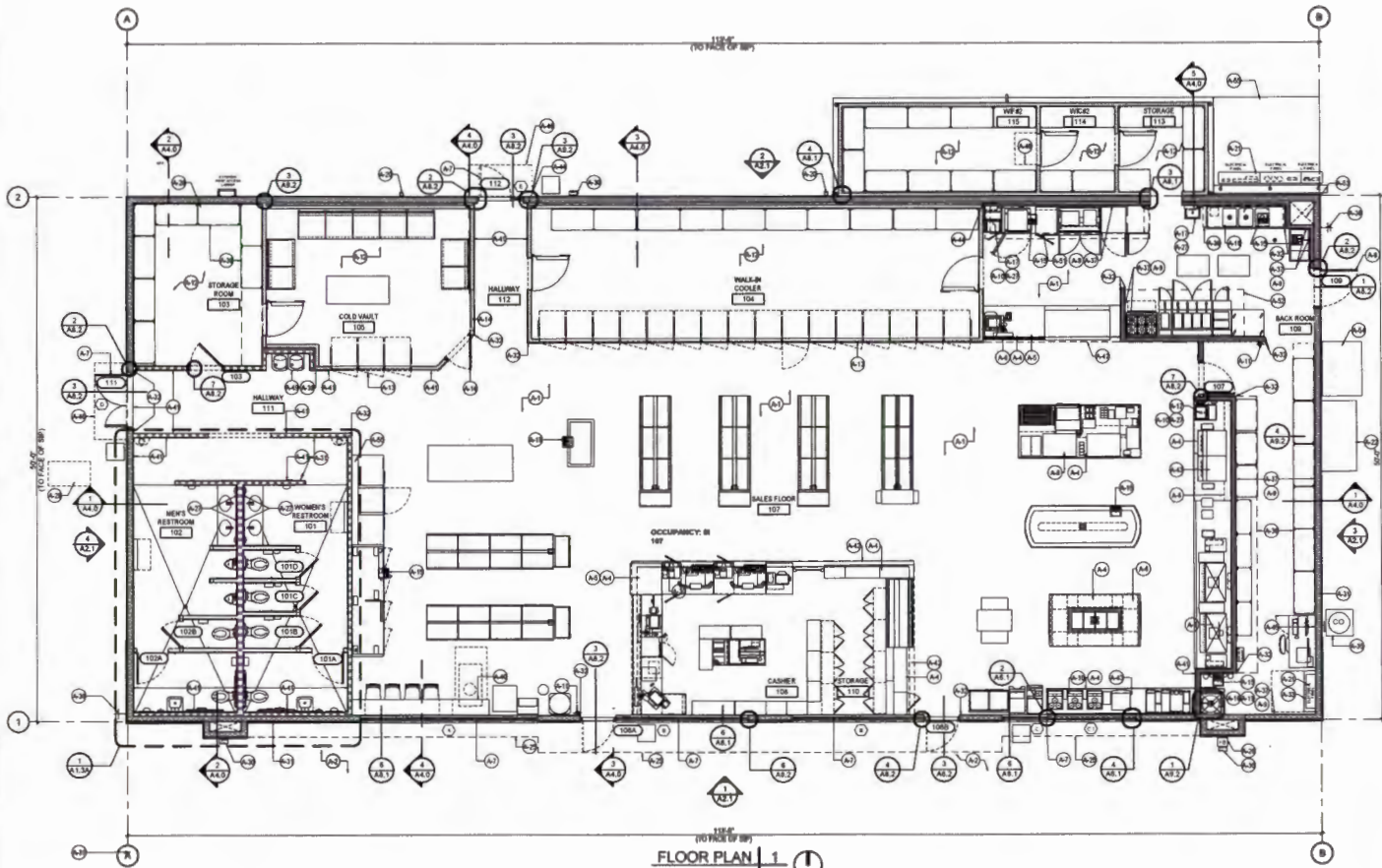
PARCEL ID #
 E. EL RANCHO RD. & JACKSON RD. MCALLEN TX



CIRCLE K STORE
 PROJECT NUMBER
 240-236

EXTERIOR ELEVATIONS MATERIALS AND COLORS A2.01QSR





FLOOR PLAN 1
3/8" = 1'-0"

KEY NOTES

- | NUMBER | DESCRIPTION |
|--------|---|
| A-1 | CONCRETE SLAB WITH MINIMUM 1"IN. "CLASS A" VAPOR BARRIER LAPPED A MINIMUM OF 6" TAPPED FOR MANUFACTURER'S SPECIFICATIONS. SEE STRUCTURAL |
| A-2 | CONCRETE WALK BROWN TINTED. SEE CIVIL |
| A-3 | CUSTOM CASEWORK SUPPLIED BY CIRCLE K. INSTALLED BY OTHERS |
| A-4 | SALER COUNTER. SEE SHEET A1.4 FOR EQUIPMENT. |
| A-5 | SOLID SURFACE COUNTER TOP SUPPLIED BY CIRCLE K. INSTALLED BY OTHERS |
| A-6 | ALUMINUM STOREFRONT SYSTEM. SEE SHEET A4.0 FOR DOOR & WINDOW SCHEDULES |
| A-7 | INSULATED METAL DOOR IN HOLLOW METAL FRAME. SEE DOORS SCHEDULES SHEET A4.0 |
| A-8 | FIBER SURFACE MARBLE F.O.D. PANELING TO 4" ABOVE FINISH CEILING. P-100 WHITE, OR EQUAL. SEE BHT. A3.2. |
| A-9 | PROVIDE INTEGRAL SPLASH GUARD AT HAND SINK. 1 1/2" 20-MSC FREE FRETROSHIELDER. SURFACE MOUNTED AT 48" A.F.F. PROVIDE BLOCKING AS REQUIRED |
| A-10 | COOLER REFRIGERATOR PROVIDED AND REFINISHED BY CIRCLE K. GENERAL CONTRACTOR RESPONSIBLE FOR ELECTRICAL AND PLUMBING CONNECTIONS |
| A-11 | COOLER REFRIGERATOR PROVIDED AND REFINISHED BY CIRCLE K. GENERAL CONTRACTOR RESPONSIBLE FOR ELECTRICAL AND PLUMBING CONNECTIONS |
| A-12 | COOLER REFRIGERATOR PROVIDED AND REFINISHED BY CIRCLE K. GENERAL CONTRACTOR RESPONSIBLE FOR ELECTRICAL AND PLUMBING CONNECTIONS |
| A-13 | COOLER REFRIGERATOR PROVIDED AND REFINISHED BY CIRCLE K. GENERAL CONTRACTOR RESPONSIBLE FOR ELECTRICAL AND PLUMBING CONNECTIONS |
| A-14 | COOLER REFRIGERATOR PROVIDED AND REFINISHED BY CIRCLE K. GENERAL CONTRACTOR RESPONSIBLE FOR ELECTRICAL AND PLUMBING CONNECTIONS |
| A-15 | FLOOR SINK ACCESSIBLE FOR CLEANING. SEE PLUMBING DRAWING |
| A-16 | MOP SINK WITH FAUCET. SEE PLUMBING DRAWINGS FOR SPECIFIC INFORMATION (I.E. TO ADD 24" LONG GARDEN HOSE FOR MOP SINK FAUCET). |
| A-17 | HAND SINK. SEE PLUMBING DRAWINGS FOR SPECIFIC INFORMATION |
| A-18 | WATER SINK. SEE PLUMBING DRAWINGS FOR SPECIFIC INFORMATION |
| A-19 | 50 GALLON WATER HEATER ON SHELF ABOVE. SEE PLUMBING DRAWINGS FOR SPECIFIC INFORMATION |
| A-20 | EMERGENCY OVERFLOW AND ROOF DRAIN. SEE ROOF PLAN AND DETAIL 20A.7 |
| A-21 | LOCATION OF ELECTRICAL PANELS. SEE ELECTRICAL DRAWINGS FOR SPECIFIC INFORMATION |
| A-22 | LOCATION OF SERVICE DISCONNECT. IF REQUIRED, PROVIDE 4" CONCRETE HOUSING/KEEPING FACT ABOVE SIDEWALK UNDER CABINET COORDINATE. SEE AND LOCATION PLAN AND CABINET WITH ELECTRICAL CONTRACTOR. SEE ELECTRICAL DRAWINGS FOR SPECIFIC INFORMATION |
| A-23 | LINE OF CANOPY / SOFFIT ABOVE. SEE REFLECTED CEILING PLAN SHEET A1.6 AND EXT. ELEVATIONS SHEET A2.1 |
| A-24 | KNOX BOX LOCATION. SEE RECESS DETAILS 20A.1 (IF REQUIRED BY FIRE DEPARTMENT) |
| A-25 | PROVIDE SIGN ABOVE HAND SINK. EMPLOYEE MUST WASH HANDS BEFORE RETURNING TO WORK. UNDERGROUND GREASE INTERCEPTOR. SEE SITE PLAN & PLUMBING DRAWINGS |
| A-26 | 2" IN. EMERGENCY SHUT-OFF SWITCH WITH COVER. PROPOSED LOCATION WHEN REQUIRED. SEE FUEL PLAN |
| A-27 | SINK PANEL WALL. SEE DETAIL 20A.1. SEE STRUCTURAL BUILDING SECTIONS AND EXTERIOR ELEVATIONS |
| A-28 | 2" STAINLESS STEEL CORNER GUARDS TO 54" A.F.F. 4" CONC. CURB AT ELECTRICAL PANELS |
| A-29 | CO2 TANK AT EXTERIOR WITH STORAGE TANK CABINET. SEE DET. 20A.1 FOR REQUIRED DETAILS |
| A-30 | HOSE BIBB. SEE PLUMBING DRAWINGS |
| A-31 | FRY PANELING. SEE LEGEND AND BHT. A3.2 |
| A-32 | 2" DRUDGE LOFT. SEE EXTERIOR ELEVATIONS FOR HEIGHT. SEE DETAIL 20A.2 OR ALTERNATE LOFT DETAIL 20A.3 |
| A-33 | FURRED OUT WALL TO CLOSE GAP BETWEEN WALL AND WALK IN COOLER FROM BOTTOM TO CEILING. SEE DETAIL 20A.3 |
| A-34 | 2" HIGH COUNTER TOP WITH 5/8" X 4" ADA CLEAN FLOOR SPACE |
| A-35 | FRY FRESH. SEE FRESH SCHEDULE AND SHEETS A1.1, A3.1, 3.3 |
| A-36 | LINE OF SOFFIT ABOVE |
| A-37 | PROVIDE HUB DRAIN AND ROUTE DRAIN TO NEAREST FLOOR SINK. SEE PLUMBING DRAWINGS |
| A-38 | BREAK METAL TO CLOSE GAP BETWEEN WALL AND WALK IN COOLER FROM BOTTOM TO CEILING. SEE DETAIL 20A.2 |
| A-39 | G.C. TO PROVIDE METAL KEY STORAGE BOX FROM GRANITE MTS. |
| A-40 | LINE OF ALUMINUM AWNING WITH SUPPORT RODS BY CIRCLE K VENDOR. PROVIDE BLOCKING IN EXTERIOR WALL FOR AWNING AND SUPPORTS. GC PROVIDE WATER TIGHT SEAL/FLASHING AT ALL WALL OPENINGS AND ATTACHMENT CONNECTIONS. |
| A-41 | WALK-IN FREEZER RAMP. SUPPLIED/INSTALLED BY COOLER/REFREEZER MANUFACTURER |
| A-42 | HELLO DRINKING FOUNTAIN |
| A-43 | FILLER PANEL VENDOR PROVIDED. GC TO INSTALL. |
| A-44 | LINE OF BEND BOARD SOFFIT ABOVE |
| A-45 | LINE OF KITCHEN HOOD ABOVE |
| A-46 | ELECTRICAL SHAKT |
| A-47 | OIL RECLAMATION SYSTEM |
| A-48 | 8" CONC. SLAB FOR ELECTRICAL PANELS |

LEGEND

- 6 5/8" 8P WALL PANEL. SEE 8P VENDOR SHEETS
- 8" 20ga. METAL STUD AT 16" O.C. WITH BATT INSULATION. SEE SHEET A1.3 FOR WALL TYPES
- 3 5/8" 20ga. METAL STUD AT 16" O.C. (WITH BATT INSULATION IF APPLICABLE) SEE SHEET A1.3 FOR WALL TYPES
- 3 5/8" 20ga. METAL STUD AT 16" O.C. TO DECK WITH BATT INSULATION. SEE SHEET A1.3 FOR WALL TYPES
- 3-6P METAL STUD FURRED WALL (WHERE OCCURS) AT 16" O.C.
- FIBER CEMENT WAINSCOTT PLASTER
- PRE-MANUFACTURED FREEZER/COOLER WALL
- 8P PANEL WALL W/ F.P.P. PANELING. SEE KEYNOTES & BHT. A3.2
- 3/4" PNT. PLYWOOD W/ F.P.P. PANELING. SEE KEYNOTES 37 & BHT. A3.2
- WINDOW TYPE. SEE WINDOWS SCHEDULE SHEET A4.0
- DOOR TYPE. SEE DOOR SCHEDULE SHEET A4.0

THE DIMENSION GROUP
12500 West Loop South, Suite 1000, Dallas, Texas 75244
PH: 214.343.8888 FAX: 214.343.8889

COMPONENT

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PROFESSIONAL SEAL

REVISION 10/25/24
DATE

PROFESSIONAL IN CHARGE
AM
PROJECT MANAGER
RP
QUALITY CONTROL
AM
DRAWN BY
CD

PROJECT NAME

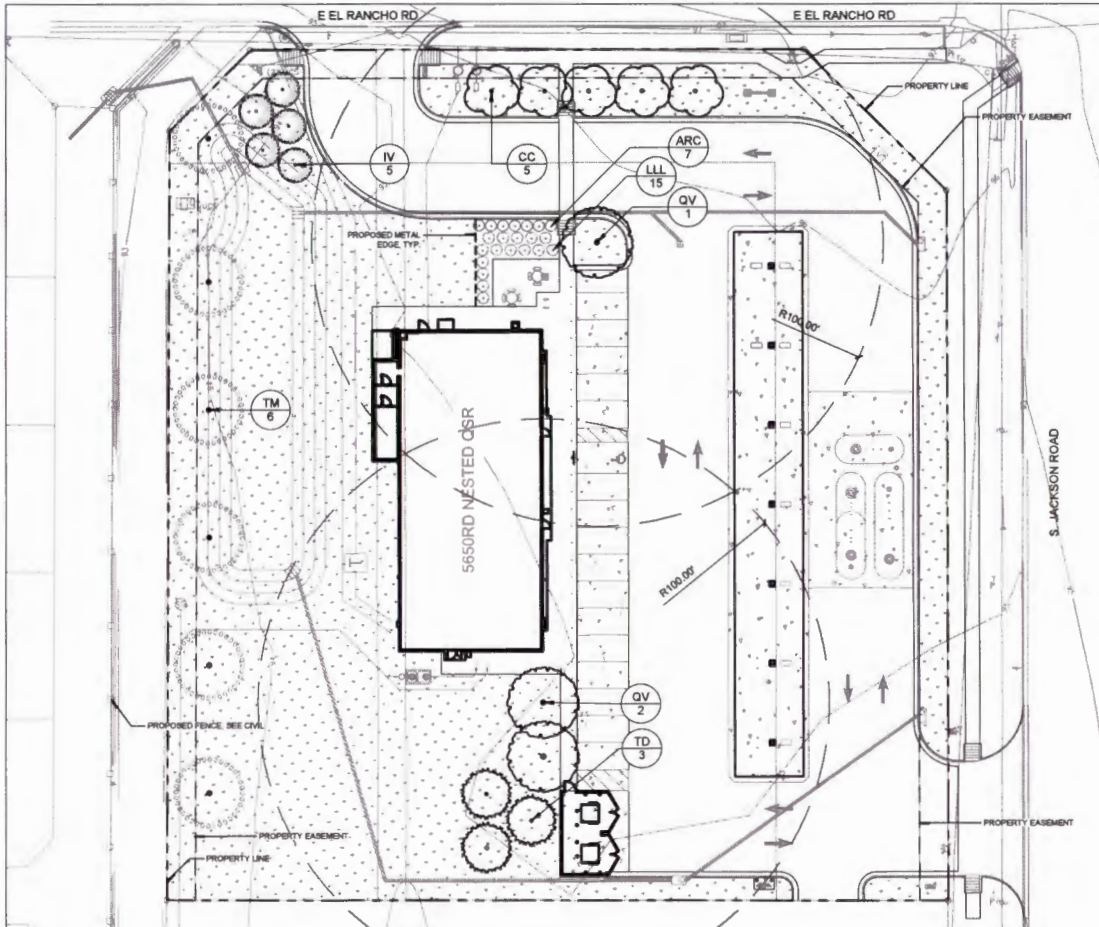
CIRCLE K STORES, INC.

MCALLEN, TX

PARCEL ID: #
BWC EL RANCHO & JACKSON
MCALLEN, TX

CIRCLE K STORE
PROJECT NUMBER:
240-045

FLOOR PLAN



PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL / COMMON NAME	SIZE	QTY	REMARKS
TREES					
	QV	Quercus virginiana / Barkers Live Oak	2.5 Cal.	3	10 HT. MIN.
	TD	Taxodium distichum / Bald Cypress	2.5 Cal.	3	10 HT. MIN.
	TM	Taxodium mucronatum / Plantation Bell Curves	2.5 Cal.	6	10 HT. MIN.
ORNAMENTAL TREES					
	CC	Cercis canadensis - Eastern Redbud	2.5 Cal.	5	10 HT. MIN.
	A	Aster multiflorus / Yeager Hib	10" Ht.	5	
SHRUBS					
	ARC	Abelia x Rose Creek / Rose Creek Abelia	5 gal.	1	
	LLL	Leucantheum longicaule / Longicaule	5 gal.	1	
GROUND COVERS					
	TCP	Cynodon dactylon - St. Augustine	DTA / T/TPH/ Biomulches	33.27 sf	

LANDSCAPE CALCULATIONS

OVERALL SITE:	82,100 SF (1.89 ACRES)
REQUIRED LANDSCAPE AREA (10% OF LOT SIZE):	8,210 SF
PROVIDED LANDSCAPE AREA:	33,778 SF
REQUIRED LANDSCAPE AREA VISIBLE FROM STREET FRONTAGE (50%):	PROVIDED
LANDSCAPE BUFFERS:	PROVIDED: REFER TO CIVL.
REQUIRED MARGINAL SCREEN (8 FT. MIN.) (SIDE/REAR PROPERTY):	PROVIDED
LANDSCAPE AREA (10 WIDE MIN.):	PROVIDED
TREE REQUIREMENTS:	
1 TREE/200 SF IF LA IS < 2,000 SF	
10 TREES FOR FIRST 2,000 SF, 1 TREE/200 SF IF LA IS 2,000-10,000 SF	10 (FIRST 2,000 SF) + 12 (1 TREE/200 SF) = 22 TREES
REQUIRED TREES:	22 TREES
PROVIDED TREES:	22 TREES
2 PALM TREES (BY MIN.) + 2.5" CAL. TREE (PALMS CANNOT EXCEED 50% OF TOTAL)	

PLANTING & IRRIGATION GUARANTEE

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE THAT ALL NEWLY INSTALLED AND EXISTING PLANTS SHALL SURVIVE FOR ONE YEAR AFTER FINAL ACCEPTANCE OF THE INSTALLATION WORK. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR APPROPRIATE WATERING OF THE LANDSCAPE THROUGH INSTALLATION OF A PROPERLY DESIGNED IRRIGATION SYSTEM. THE OWNER SHALL APPROVE THE SYSTEM DESIGN BEFORE INSTALLATION OF PLANTS OR IRRIGATION.

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY OR DEEP-ROOT" 3" DEEP PANELS (FOR EQUAL) BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY BIOCIRCLE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" BIRCHWOOD WOOD MULCH, NATURAL UNWEEDS, OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDING AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

CAUTION NOTICE TO CONTRACTORS

THE CONTRACTOR IS SPECIFICALLY CALLED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.

GENERAL GRADING & PLANTING NOTES

- BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
- IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
- BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
- CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL POONDING SHALL BE REDESIGNED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE POONDING POTENTIAL.
- THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED. AFTER INSTALLING SOIL AMENDMENTS IN SHRUB AREAS, AND IN ORDER TO ALLOW FOR PROPER MULCH DEPTH, ENSURE THAT THE FINISH GRADE IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 3" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
- AFTER INSTALING SOIL AMENDMENTS IN TURF AREAS, ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 1" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
- SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E. MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES, PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUP/OVERLAP PATTERNS) SHALL TAKE PRECEDENCE.
- NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VA PROPER CHANNELS).
- THE CONTRACTOR SHALL PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT, AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTA.
- THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
- CONTRACTOR SHALL VERIFY EXISTING IRRIGATION SYSTEM TO ACCOMMODATE PROPOSED PLANTING & ENSURE FULL FUNCTIONALITY OF SYSTEM. SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

IRRIGATION CONCEPT

- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
- THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
- ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. BROADCAST AND SEEDING AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
- ALL PLANTS SHARING SIMILAR HYDROLOGIC CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROLOGIC.
- THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE), HIGH SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.
- NO PERMANENT IRRIGATION SHALL BE INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY, WHERE REQUIRED, R.O.W. IRRIGATION SHALL BE TEMPORARY AND REMOVED WITHIN ONE YEAR ONCE THE LANDSCAPE HAS BEEN ESTABLISHED.

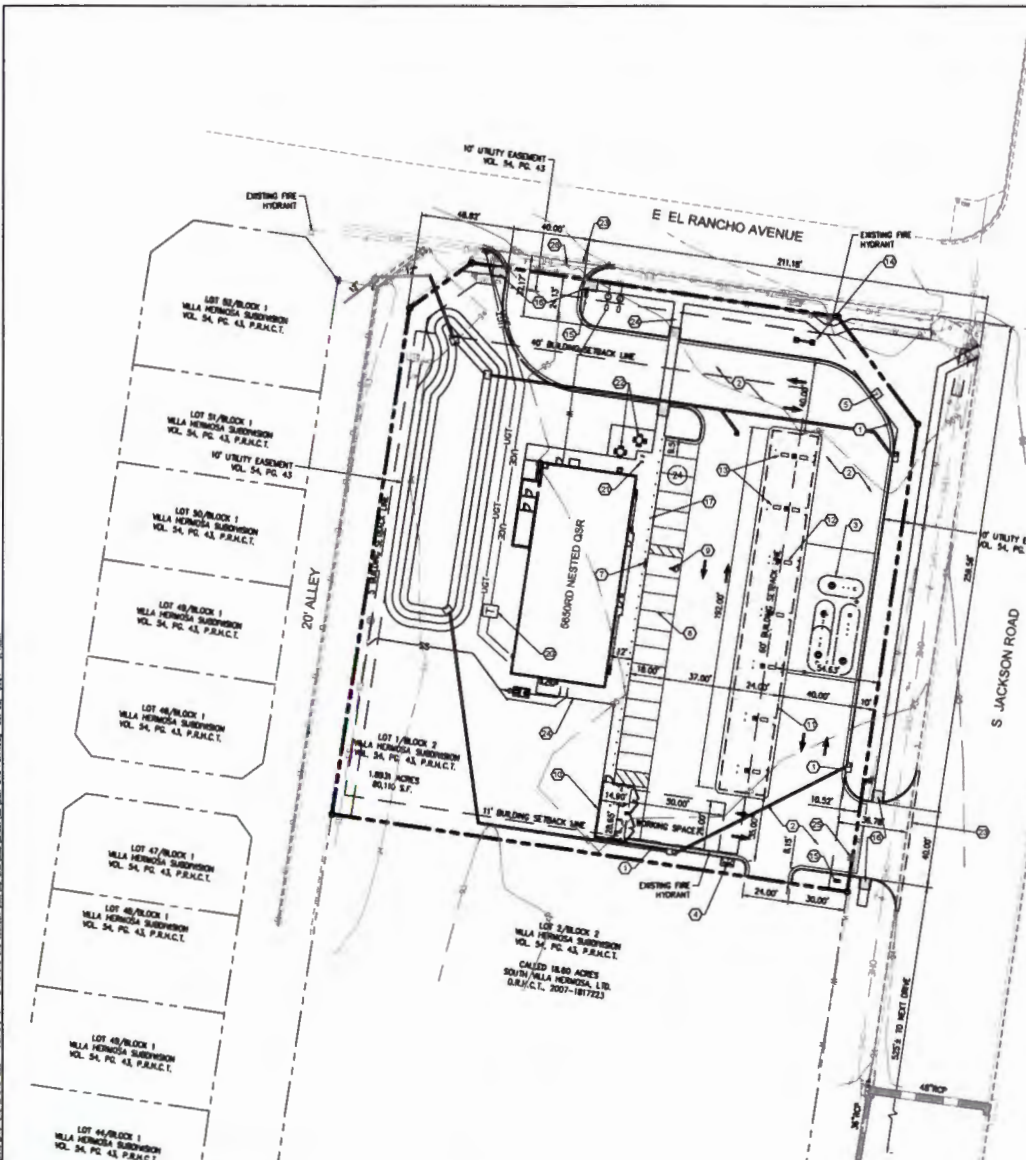


NO.	DATE	REVISION DESCRIPTION	BY	DATE	DESIGNED BY	APPROVED BY
1						
2						
3						
4						

LANDSCAPE PLANTING PLAN

CIRCLE K
3400 S JACKSON ROAD
MCKALEN, TEXAS 75503





SITE PLAN KEYNOTES:

- 1 CONSTRUCT 4\"/>
- 2 CONSTRUCT ASPHALT PAVEMENT SECTION (REF. GEOTECH)
- 3 NEW UNDERGROUND FUEL TANKS (REF. FUEL PLANS)
- 4 NEW TANK VENTS
- 5 NEW AIR / WATER VACUUM MACHINE
- 6 INSTALL (2) BOLLARDS (REF. FUEL PLANS)
- 7 INSTALL HANDICAP VAN AND CAR SIGN (REF. A.D.A. PLAN)
- 8 4\"/>
- 9 HANDICAP VAN PARKING
- 10 DUMPSTER ENCLOSURE
- 11 NEW GASOLINE CANOPY (9\"/>
- 12 (7) NEW MULTI-PRODUCT DISPENSERS (FUEL PUMPS)
- 13 (2) NEW HSD DISPENSERS
- 14 NEW L.D. SIGN (BY SEPARATE PERMIT)
- 15 DIRECTIONAL SIGN (BY SEPARATE PERMIT)
- 16 NEW BARBER FRES RAMP
- 17 NEW 8\"/>
- 18 NEW 4\"/>
- 19 LIGHT POLES
- 20 NEW TRANSFORMER LOCATION
- 21 NEW BICYCLE RACKS
- 22 NEW OUTDOOR TABLES
- 23 LIMITS OF SAVOUC & PAVEMENT REMOVAL
- 24 INSTALL PEDESTRIAN SIDEWALK PAVEMENT
- 25 EXISTING FIRE HYDRANT TO BE RELOCATED
- 26 EXISTING POWER POLE TO BE RELOCATED

GENERAL NOTES

1. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR HIS MEANS AND METHODS OF CONSTRUCTION, JOB SITE CONDITIONS AND JOB SITE SAFETY. INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO WORKING HOURS. THE CONTRACTOR SHALL HAVE, PROTECT, MAINTAIN, DEFEND AND HOLD HARMLESS THE OWNER, THE ARCHITECT AND THE ENGINEER FROM ANY CLAIM OF LIABILITY, REAL OR ALLEGED, ARISING OUT OF THE PERFORMANCE OF ANY WORK ON THIS PROJECT. THE CONTRACTOR SHALL NAME THE OWNER, THE ARCHITECT AND THE ENGINEER AS "ADDITIONAL INSURED" ON HIS INSURANCE POLICIES.
2. EXISTING ABOVE GROUND UTILITIES HAVE BEEN SHOWN BASED ON INFORMATION SHOWN ON A SURVEY OF THE PROPERTY. UNDERGROUND UTILITIES ARE SHOWN BASED ON RECORDED DATA AND MAY NOT BE COMPLETE OR EXACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATIONS AND DEPTHS OF ALL ABOVE GROUND AND UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO EXISTING ABOVE GROUND OR UNDERGROUND UTILITIES, INCLUDING THOSE NOT SHOWN ON THE PLANS. THE CONTRACTOR IS ADVISED TO CONTACT THE CITY AND ALL FRANCHISE UTILITY COMPANIES, EMBARTMENT HOLDERS, ETC. AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION IN THE VICINITY OF ANY UNDERGROUND UTILITY.
3. THE CONTRACTOR SHALL COMPLY WITH ALL BUILDING CODES AND REGULATIONS, FEDERAL, STATE, COUNTY, AND CITY SAFETY CODES AND INSPECTION REQUIREMENTS.
4. THE CONTRACTOR SHALL PROVIDE DUST PROTECTION DURING CONSTRUCTION. ALL TRASH AND DEBRIS SHALL BE PICKED UP AT ALL TIMES. COMMERCIAL CONSTRUCTION DEBRIS/SOLID WASTE HAULER PERMIT REQUIRED.

DATA SUMMARY TABLE

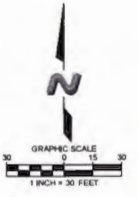
ZONING	C-3 (GENERAL BUSINESS)
USE	CONVENIENCE STORE W/ GAS SALES
LOT AREA	80,110 S.F. (1.840 ACRES)
BUILDING SQUARE FOOTAGE	5,950 S.F.
CANOPY SQUARE FOOTAGE	4,908 S.F.
FAR	0.07-1
BUILDING HEIGHT	21'-4"
CANOPY HEIGHT	18'-4"
TOTAL PERVIOUS COVER	38,272 S.F. OR 45%
TOTAL IMPERVIOUS COVER	43,838 S.F. OR 55%
PARKING REQUIRED	18 SPACES (4 per 400 S.F. A. + 1 Per sq. additional 400 GFA)
PARKING PROVIDED	24 SPACES
HANDICAP PARKING REQUIRED	1 SPACE
HANDICAP PARKING PROVIDED	1 SPACE

ARCHITECT
 THE DIMENSION GROUP
 10755 SANDHILL ROAD
 DALLAS, TX 75228
 PHONE: (214) 343-8400
 EMAIL: AMATIS@DIMENSIONGROUP.COM
 CONTACT: ALEXANDRA MATIS, AIA

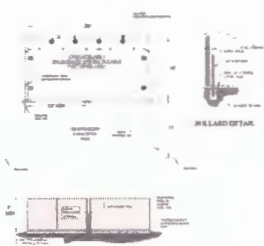
OWNER
 S JACKSON 3400 C-STORE PARTNERS LTD.
 640 TAYLOR ST, STE 1200
 FORT WORTH, TX 76102
 PHONE: (817) 475-8328
 EMAIL: JUSTIN@JNELL@GMAIL.COM
 CONTACT: JUSTIN NELL

SURVEYOR
 WINDROSE LAND SURVEYING / PLATTING
 9390 CORPORATE DRIVE, SUITE 102
 BELLAIR, TX 75154
 PHONE: (214) 634-1565
 EMAIL: COREY.CAMPBELL@WINDROSESERVICES.COM
 CONTACT: COREY CAMPBELL, RPLS

ENGINEER
 THE DIMENSION GROUP
 10755 SANDHILL ROAD
 DALLAS, TEXAS 75238
 PHONE: (214) 343-8400
 EMAIL: JUSTIN@DIMENSIONGROUP.COM
 CONTACT: KEATON L. MAL, PE



Detail 402: Dual Dumpster Enclosure



NOTES

1. 8\"/>
- 2. CONCRETE APPROX SHOULD EXTEND OUT AN ADDITIONAL 12\"/>
- 3. BOLLARDS PLACE/BEHIND AND 225\"/>
- 4. 4\"/>
- 5. TIRE GATE LOCKS FOR EACH 20-FT DUMPSTER OPENING. 2 HOLD GATES ARE OPTIONAL, BUT NOT REQUIRED
- 6. GATE HOUSING TO BE MOUNTED ON EACH SIDE COLUMN. GATE HOUSING TO BE MOUNTED AT 120 DEGREES FROM GATE POSITION TO SECURE OPEN GATES. GATE HOUSING SHOULD MOUNTED 3\"/>
- 7. FOR CLARIFICATION OF ENCLOSURE CONSTRUCTION CONDITIONS, CONTACT THE SOLUTION ENGINEER AT 754-647-4420



South North Coordinate Conventions Established

CAUTION NOTICE TO CONTRACTORS
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



TEMPORARY BENCHMARK "A"
 A BOX CUT SET ON THE BACK OF A CURB 810 FEET EAST FROM THE CENTERLINE OF A 20' ALLEY ROAD, 4370.9 FEET WEST FROM THE INTERSECTION OF EL RANCHO ROAD AND S JACKSON ROAD AND 128.9 FEET SOUTH FROM THE CENTERLINE OF EL RANCHO ROAD.
 ELEVATION: 85.80

TEMPORARY BENCHMARK "B"
 A BOX CUT SET ON THE BACK OF A CURB 840 FEET WEST FROM THE CENTERLINE OF S JACKSON ROAD, 4453.3 FEET SOUTH FROM THE INTERSECTION OF EL RANCHO ROAD AND S JACKSON ROAD.
 ELEVATION: 85.95



DATE	10/23/2024	BY	AMATIS
PROJECT NO.	24C-045	DESIGNED BY	AMATIS
DATE	10/23/2024	SCALE	AS SHOWN
DATE	10/23/2024	SCALE	AS SHOWN

SITE PLAN
 CIRCLE K
 3400 S JACKSON ROAD
 MCKALLEN, TEXAS 76650

NOTICE
GAS STATION
FOR
THIS PROPERTY
CUP2024-0128

Memo

TO: Planning and Zoning Commission

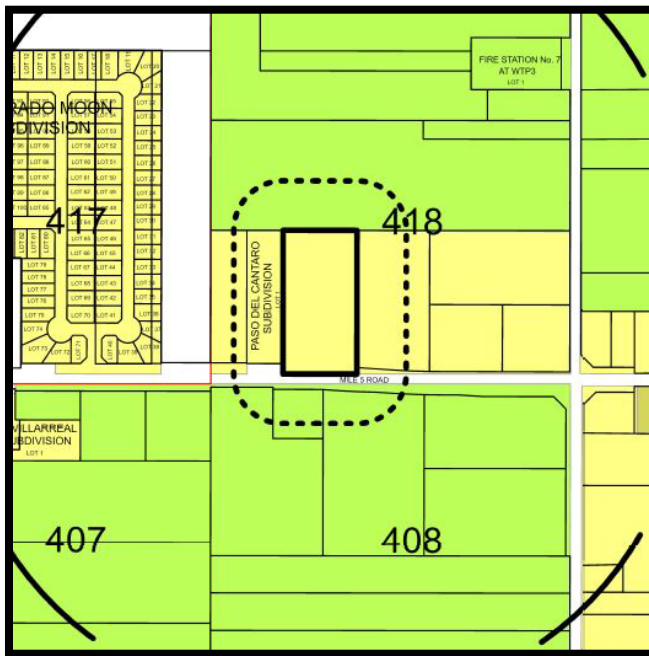
FROM: Planning Staff

DATE: November 22, 2024

SUBJECT: Rezone from R-1 (single family residential) District to A-O (agricultural and open space) District: 4.00 acres out of Lot 418, save and except 0.208 acres road row, John H. Shary Subdivision, Hidalgo County, Texas; 4700 Auburn Avenue. (REZ2024-0059)

LOCATION: The property is located along the north side of Auburn Avenue and west of North Bentsen Road. The vacant tract is comprised of 4.0 acres save and except 0.208 acres of road right of way.

PROPOSAL: The applicant is proposing to rezone the property from R-1 (single family residential) District to A-O (agricultural and open space) District in order to build a single family home, barn and have animals on the land.



ADJACENT ZONING: The adjacent properties are zoned R-1 (single family residential) District to the east and west, A-O (agricultural and open space) District to the north and south.

LAND USE: The property is currently wooded area and is being cleared in order to develop the land for the home. Surrounding land uses include agricultural, single-family dwellings and vacant land.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for this property as Mixed-Use Nodes. Duplex, Townhomes, Triplex/Quadplex, small multifamily, large multifamily, and mixed-use neighborhood scale retail and mixed-use urban Community Scale are the most appropriate developments for this type of use. This includes diverse housing options and promotes walkability.

DEVELOPMENT TRENDS: The development trend along Auburn is mixed uses such as agricultural and single family residential. The property was zoned A-O District upon annexation in 1989, then was rezoned to R-1 District as part of the city initiated A-O rezoning project in 2015.

ANALYSIS: The requested zoning does not conform to the Future Land Use Plan designation. However, the requested zoning aligns with the existing single family/ agricultural uses in that area.

The property owner intends to apply for a subdivision exemption in order to comply with subdivision requirements.

The A-O District does not exclude enforcement of environmental health issues such as weedy lots, accumulation of brush and debris that may breed mosquitos and other pests.

Staff has not received and phone calls, emails, or letters in opposition of the rezoning request.

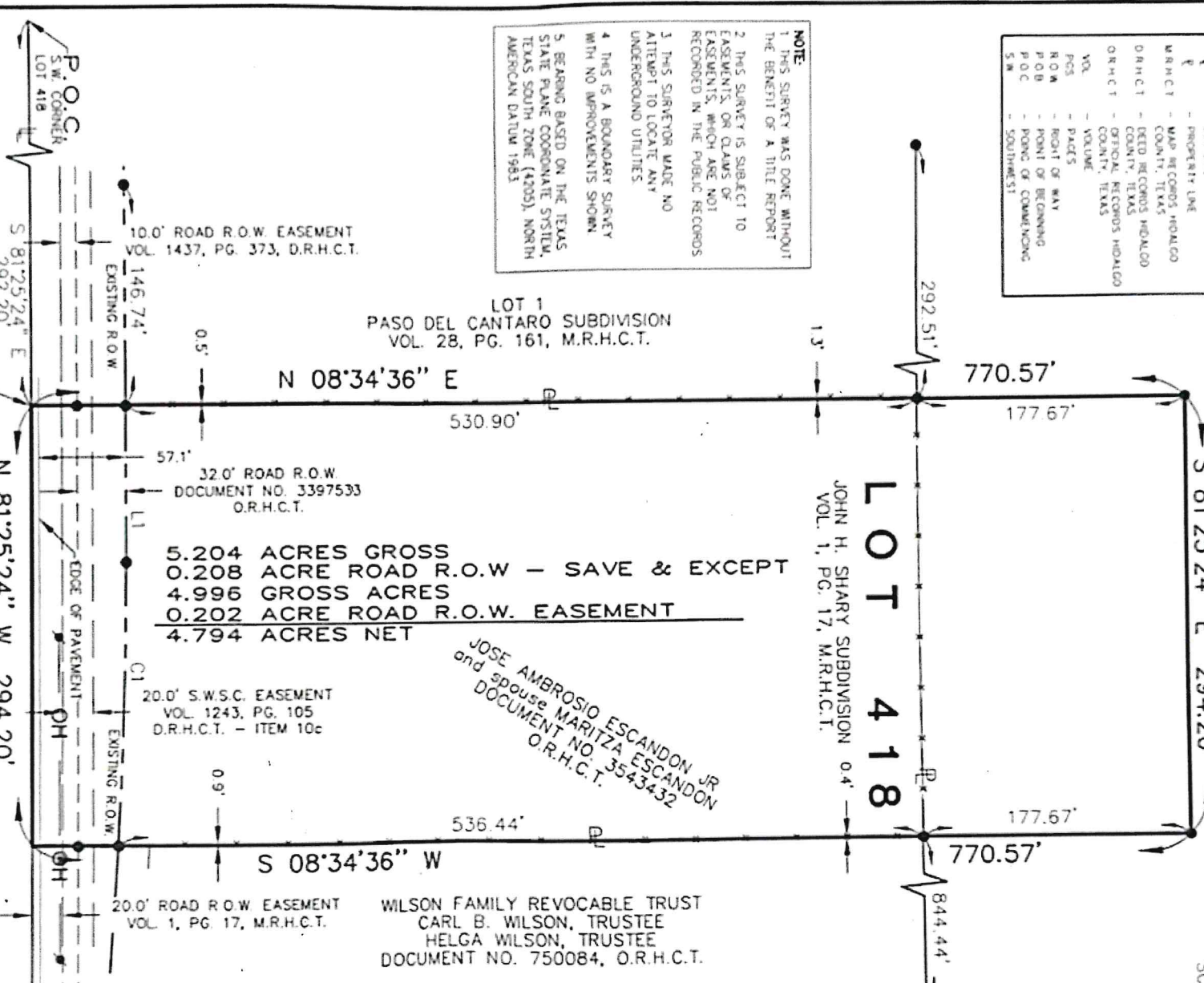
RECOMMENDATION: Staff recommends approval of the rezoning request to A-O (agricultural and open space) District. If approved the zoning will revert to the original A-O District designation.

LEGEND

- 3/4" IRON ROD
- 5/8" IRON ROD
- 1" YELLOW CAP STAMPED IRON ROD
- 1/2" IRON ROD
- CHAINLINK FENCE
- POWER LINE
- POWER POLE
- LOT LINE
- PROPERTY LINE
- MAP RECORDS HIDALGO COUNTY, TEXAS
- DEED RECORDS HIDALGO COUNTY, TEXAS
- DEED RECORDS HIDALGO COUNTY, TEXAS
- DEED RECORDS HIDALGO COUNTY, TEXAS
- VOLUME
- PAGES
- POINT OF MAY
- POINT OF BEGINNING
- POINT OF COMMENCING
- S.W.

NOTE

1. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT
2. THIS SURVEY IS SUBJECT TO EASEMENTS, OR CLAIMS OF EASEMENTS, WHICH ARE NOT RECORDED IN THE PUBLIC RECORDS
3. THIS SURVEYOR MADE NO ATTEMPT TO LOCATE ANY UNDERGROUND UTILITIES
4. THIS IS A BOUNDARY SURVEY WITH NO IMPROVEMENTS SHOWN
5. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH ZONE (4205), NORTH AMERICAN DATUM 1983



LINE TABLE

NO.	LENGTH	BEARING
L1	105.01'	N 81°25'24\"

PLAT SHOWING

CURVE TABLE

NO.	RADIUS	LENGTH	DELTA	CH. BEARING	CH. DIST.
C1	3,650.00'	189.29'	07°58'17\"	N 79°44'43\"	189.27'

BEING 5.204 ACRES OUT OF A PART OR PORTION OUT OF LOT 418, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS

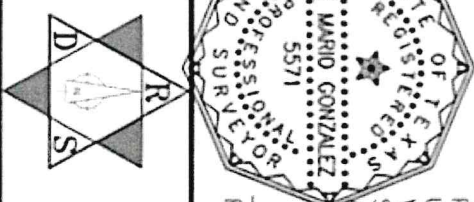
ADDRESS: AUBURN AVENUE
MISSION, TEXAS

SURVEYED: JUNE 12, 2024
REQUESTED BY: Mr. Lopez

FLOOD ZONE DESIGNATION: ZONE "C"
COMMUNITY-PANEL NUMBER: 480334 0300 C
MAP REVISED: NOVEMBER 16, 1982

JOB NUMBER
RIO 24 170

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I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

07-02-24

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5571

RIO DELTA SURVEYING

24593 FM 88, MONTE ALTO, TX 78538
(TEL) 956-262-0222
EMAIL: MARIO@RIODELTASURVEYING.COM
T.B.P.E.L.S. FIRM # 10013900

By **NG**

A photograph of a gnarled tree with a white sign in the foreground. The sign contains text about a battle memorial. The tree has thick, dark, curved branches and sparse green leaves. The ground is dry and sandy. The background shows more trees and a clear sky.

BATTLE
MEMORIAL
FOR
THE PROPERTY
NO. 124 222

UDC

ORDINANCE

INFORMATION

Memo

TO: Planning and Zoning Commission
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning & Zoning
DATE: November 29, 2024
SUBJECT: UNIFIED DEVELOPMENT CODE

BACKGROUND: With Envision McAllen’s adoption last May, the next step in streamlining development in McAllen is adoption of a Unified Development Code (UDC). UDCs combine zoning, subdivision, and other regulations into one cohesive document for ease of interpretation and use. City staff, alongside with the City’s Ordinance Review Committee, have reviewed our consultant’s proposals and made revisions and amendments as needed.

DISCUSSION: The UDC was initially taken to Planning and Zoning Commission on September 26th for a recommendation to City Commission. At that meeting, the UDC was tabled to allow Planning and Zoning Commission members to further review the proposal as well as to allow the public more time for review. The UDC was presented at a Workshop before City Commission on October 14. At that meeting, Commissioners acceded to hosting six town halls, one in each City Commission district, to further notify the public of the UDC.

At those town halls, several members of the public made comments in regards to the UDC and its proposals. Those comments, as well as staff’s responses to those comments, have been included in your packet. With all town hall comments, staff went back and reassessed the proposals in the UDC alongside management and we still feel comfortable with the UDC as is currently being proposed.

CONCLUSION: The proposed UDC falls in line with the American Planning Association Award-winning Envision McAllen Comprehensive Plan adopted by City Commission last year. It is innovative, flexible, and agile enough to keep up with the development we’ve seen in McAllen. Further, it will continue to maintain McAllen’s high quality of life that keeps it at the forefront of the Rio Grande Valley. We believe this Code will ultimately prove beneficial to the development community as well as the residents of McAllen.

Memo

TO: Planning & Zoning Commission
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director
DATE: November 29, 2024
SUBJECT: CODE COMPARISON SUMMARY

At a Planning and Zoning Commission Workshop regarding the proposed Unified Development Code (UDC) staff received direction to have a summary of the changes being proposed by the UDC in comparison to our current ordinances. As a line-by-line comparison would be overly extensive and unwieldy, below you will see highlights of some changes expected to have the most impact.

ZONING

The biggest change in zoning, as has been mentioned previously, comes from the consolidation of zoning districts (Figure 1). Mainly, the merging of all current R-3 zones and the merging of the five current commercial districts into two. The reasoning for these consolidations is that it provides a straightforward approach to zoning. Having more zoning districts leads directly to overly complex regulations making it harder for the public to navigate through allowable uses.

The new zoning districts also includes two mixed-use zones which have been requested by the public and developers for some time now. Further, the introduction of mixed-use zones falls in line with Envision McAllen's vision of creating a more urban and denser city.

There have been concerns regarding the consolidation of our current R-3T (townhome), R-3A (apartment), and R-3C (condominium) zones. As mentioned at our workshop, the new R-2 (medium density) district will allow townhomes already. Concerns the public may have over an R-3 (high density) district allowing everything from apartments to townhomes can be addressed by approving an R-2 zone. Bona fide apartments are currently only proposed to be allowed in the R-3 zone. As far as condominiums versus apartments, that gets into issues of ownership which zoning should really be agnostic to so we are not proposing to continue that zoning differentiation.

Figure 1. Zoning District Comparisons

District Category	Applicable Zoning District	Previous Zoning District	
Base	A-O	A-O	
	R-1	R-1	
	R-2	R-2	
	R-3		R-3A
			R-3C
			R-3T
	C-1		C-1
			C-2
			C-3L
	C-2	C-3	
I-1		I-1	
		C-4	
I-2	I-2		
Special	M-1*		
	M-2*		
	C-C*		
	PUD		
Overlay	T-O*		
Notes	*= New zoning district		

The next changes coming to our zoning ordinance are in regards to building requirements. Overall, we are either maintaining the status quo or loosening requirements (setbacks, maximum height, etc.). These changes are in line with Envision McAllen’s goal of being more efficient with the City’s land use and allowing property owners, be they residential or other, a greater control of their property. Figure 2 shows our current building restrictions in for our current zones while Figure 3 shows the proposed restrictions found in the UDC. Generally speaking, the changes provide more freedom for property owners while still maintaining the goal of any zoning ordinance which is to promote the public health, safety, morals, and general welfare of the City and its residents. The introduction of lot coverage maximums accomplishes two things. First, it addresses the density of a lot and secondly, it limits impermeable surfaces which directly affect drainage, which is of utmost concern in the Rio Grande Valley.

Figure 2. Current Building Restrictions

Zoning District	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Height	Lot Coverage
A-O	5 acres	50 ft.	20 ft.	20 ft.	25 ft.	N/A
R-1	5,000	25 ft.	6 ft.	10 ft.	25 ft.	N/A
R-2	5,600	20 ft.	6 ft.	10 ft.	25 ft.	N/A
Triplex	6,700	20 ft.	6 ft.	10 ft.	25 ft.	N/A
Fourplex	7,800	20 ft.	6 ft.	10 ft.	25 ft.	N/A
R-3A	800-1,500	20 ft.	6 ft.	10 ft.	25 ft.	N/A
R-3C	7,000	20 ft.	6 ft.	10 ft.	25 ft.	N/A
R3-T	2,000	10 ft.	0 ft.	0 ft.	25 ft.	N/A
C-1	N/A	15 ft.	5 ft.	5 ft.	25 ft.	N/A
C-2	N/A	15 ft.	5 ft.	5 ft.	25 ft.	N/A
I-1	N/A	15 ft.	5 ft.	5 ft.	25 ft.	N/A
I-2	N/A	15 ft.	5 ft.	5 ft.	25 ft.	N/A

Figure 3. Proposed Building Restrictions

Zoning District	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Height	Lot Coverage
A-O	5 acres	50 ft.	20 ft.	20 ft.	35 ft.	10%
R-1	5,000	20 ft.	5 ft.	10 ft.	35 ft.	50%
R-2	4,500	20 ft.	5 ft.	10 ft.	35 ft.	60%
R-3	4,000	20 ft.	5 ft.	10 ft.	45 ft.	70%
C-1	N/A	10 ft.	0 ft.	5 ft.	45 ft.	70%
C-2	N/A	15 ft.	0 ft.	5 ft.	70 ft.	80%
I-1	N/A	15 ft.	5 ft.	5 ft.	45 ft.	70%
I-2	N/A	15 ft.	5 ft.	5 ft.	25 ft.	70%

CONDITIONAL USE PERMITS

The introduction of a Use Table in the UDC is the next departure from our current zoning ordinance. This change is useful for the public to better navigate the allowed uses in the different zoning districts. As mentioned in the townhall, staff had previously worked on a similar table for our current zoning ordinance that was not ultimately adopted. By breaking down uses into Permitted, Conditional, or Restricted in each zone, any user of the UDC should be able to determine if what they are proposing will work in a given zone. As is the case with any ordinance, the Use Table is not intended to include all possible uses so discretion is left with the Planning Director on how to categorize uses not found in the table; to be clear, this is already the case as well in our current zoning ordinance. This change is in line with management and elected officials’ direction to make development more straightforward and predictable.

Staying on the use table, the UDC is proposing changes to some of the way certain uses are permitted. Generally speaking, we are reducing the number of uses requiring a Conditional Use Permit (CUP). The concern would normally be that the City is no longer regulating those uses. However, the City is continuing to regulate those uses through *Use-Specific Standards*. In most instances, the requirements for the CUP are remaining, but the waiting process of four to six weeks for City Commission approval is being removed. Again, these changes are being made to make permitting straightforward, predictable, and nimble. Some of those changes are highlighted below (Figure 3).

Figure 3. CUP Comparisons

USE	CURRENT REQUIREMENT	PROPOSED REQUIREMENT
Boarding house	CUP	By Right in R3
Car Wash	None	CUP in C-1, by right in C-2
Bar (51% sales)	CUP	CUP in C-1, by right in C-2
Bar (75% sales)	CUP	CUP in all commercial zones
Food Truck Park	CUP	CUP in C-1, by right in C-2
Institutional Uses	CUP	By right in all zones
ADU's	CUP for guest homes	By right in residential zones

DEVELOPMENT STANDARDS

Development standards establish minimums that guide how developments ultimately look and are developed in the City of McAllen. They encompass parking, landscaping, fencing, lighting, and others.

VEHICLE PARKING

The provision of parking spots has been an expectation in the United States for decades. However, the parking ratios that were used to develop require parking for land uses were largely based off of limited observations and non-statistically significant correlations (see example from Figure 4). Those ratios have been carried on continuously and have resulted in the provision of more parking spaces than necessary. Empty parking lots result in wasted space, more impermeable areas, and fewer taxable structures. The proposed reduction in parking requirements is meant to return discretion over the total parking spots provided to the property owners who better know their clientele and their tenants. Concerns were raised over the proposed parking ratios being too low. Recently, both Edinburg and Brownsville adopted reductions in their parking ratios and both cities have not had issues with parking overflow throughout their cities (see Figure 5). These changes also fall in line with Envision McAllen's goal of more efficient land use and the beautification of the City.

A side-by-side comparison of the current parking ratios along with the proposed ratios is included below (Figure 6). As mentioned during UDC presentations, most uses will see a roughly one-third reduction in parking with some uses being reduced by one-half. These ratios are overall consistent with state and regional trends evidenced by neighboring cities adopting similar ratios.

Figure 4. Institute of Transportation Engineers data

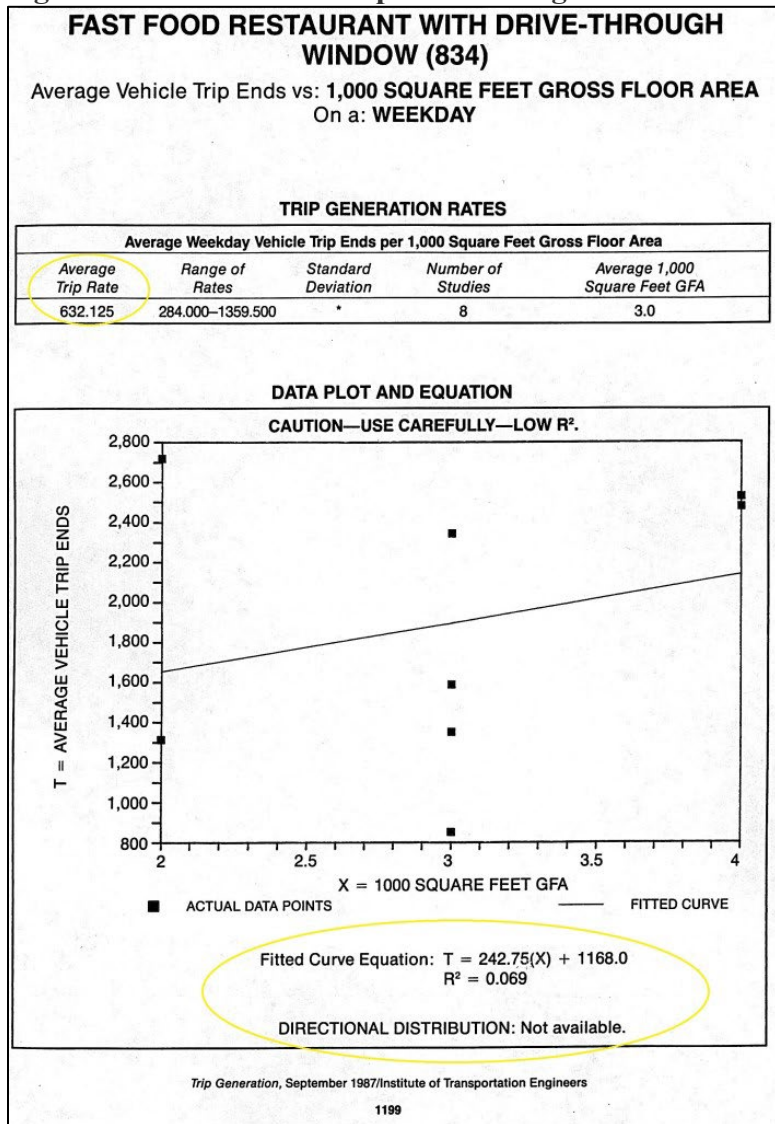


Figure 5. Comparison of currently ratios

City	Retail	Retail (20,000 sf bldg.)	Restaurant	Restaurant (2,500 sf bldg.)	Office	Office (20,000 sf bldg.)
McAllen	4 + 1/400 sf	54	1/100 sf	25	4 + 1/200 sf	104
Edinburg	1/300 sf	67	1/200 sf	13	1/333 sf	60
Brownsville	1/300 sf	67	1/250 sf	10	1/500 sf	40
Harlingen	1/400 sf	50	1/250 sf*	10 + employees	1/400 sf	50
Mission	<i>Separate parking plan required</i>		1/75 sf	33	4 + 1/200 sf	104

Figure 6. Comparison of Parking Ratios

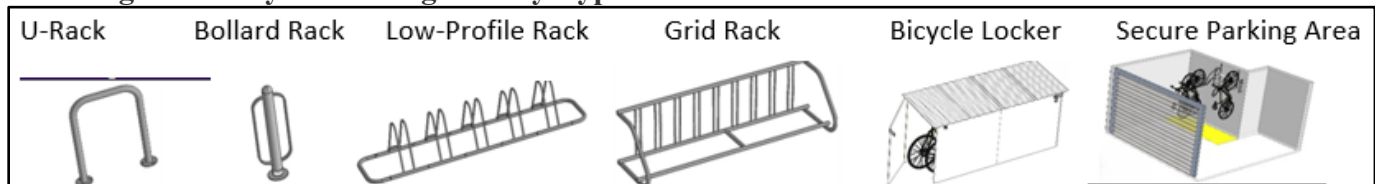
Parking Spaces Requirements		
Uses	Current Parking Ratio	Proposed Parking Ratio
Church	1:4 seats	1:500 sq. ft. indoor, 1:2500 sq. ft. outdoor
School (Elementary or Middle)	1.5:1 classroom and office	2:1 classroom
School (High School or College)	5:1 classroom and 1.5:1 office	4:1 classroom
Hospital	3:1 bed	1:500 sq. ft.
Nursing or Convalescent Home	1:3 beds, plus 1:300 sq. ft. of outpatient area	1:500 sq. ft.
Theater or Auditorium	1:3 seats	1:100 sq. ft. for unfixed seats or 1:4 fixed seats
Stadium, Arena, Gymnasium	1:2.5 seats	1:100 sq. ft. for unfixed seats or 1:4 fixed seats
Hotel, Motel, Boardinghouse	1:1 bed, plus 200 sq. ft. of commercial floor area	1:1 guestroom, plus 1
Dancehall, Exhibition Hall	1:100 sq. ft.	1:200 sq. ft.
Commercial Development	4:400 sq. ft.	1:500 sq. ft.
Bowling Alley	5:1 alley	1:500 sq. ft.
Mortuary, Funeral Home	1:50 sq. ft.	2: 1 acre, plus 1:500 sq. ft. indoor
Restaurant, Nightclub, Bar	1:100 sq. ft.	1:200 sq. ft.
Light Industrial Uses	1:500 sq. ft., plus 1 for trailers	1:1000 sq. ft.
Heavy Industrial	1:800 sq. ft., plus 1 for trailers	1:1000 sq. ft.
Elderly Housing	1:1 living unit	1:500 sq. ft.
Group Homes	1:4 beds	1:1000 sq. ft.
Office, Medical Office	4:200 sq. ft.	1:500 sq. ft.
Warehouse, Distribution Center	1:2000 sq. ft., plus 1:200 sq. ft. office & 0.5 trailer:1 doc	1:1000 sq. ft.
Self-storage	3 parking spaces, plus 1 for each 250 sq. ft. of office	1:1000 sq. ft.

BICYCLE PARKING

Envision McAllen and Vision Zero, two recently adopted plans for the City, address a recurring issue raised by McAllen residents. Mainly, to make McAllen more accessible for those who wish to ride their bicycle instead of driving. To that end, a new requirement not present in our current code is the introduction of bicycle parking. Bicycle parking is currently only being required in the new City Core, Local Mixed-Use, and Regional Mixed-Use zones but can easily be modified to be required throughout the City. Staff is already analyzing the feasibility of requiring bicycle parking in commercial areas adjacent to the City’s growing network of trails.

While the provision of bicycle parking is required, the types of bicycle facility ultimately used is left to the property owner. Allowable bicycle facilities are detailed below (Figure 7).

Figure 7. Bicycle Parking Facility Types



SITE DESIGN

Site design bonuses are new introductions to our code and are focused on encouraging human-centered and green designs. Instead of being overly prescriptive, we propose bonuses to be granted on a site to incentivize these designs. These bonuses have two levels of incentives and are further categorized into two types which are further described below in Figures 8 and 9.

Figure 8. Single Family and Duplex Design Bonuses

<p>1. Level 1 High-Quality Design</p> <p>A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations applicable to the subject property:</p> <ol style="list-style-type: none">The granting of an additional ten (10) feet of maximum heightThe granting of an additional ten percent (10%) of building coverageThe granting of an additional ten percent (10%) impervious coverThe granting of a ten percent (10%) reduction in minimum lot size and a ten percent (10%) increase in maximum dwelling units per acre <p>2. Level 2 High-Quality Design</p> <p>A cumulative score of eighty (80) points, as described below, shall result in the following bonuses applicable to the subject property:</p> <ol style="list-style-type: none">The granting of an additional twenty (20) feet of maximum heightThe granting of an additional twenty percent (20%) of building coverageThe granting of an additional twenty percent (20%) of impervious coverThe granting of a twenty-five percent (25%) reduction in minimum lot size and a twenty-five percent (25%) increase in maximum dwelling units per acre.
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Figure 9. Multi-Family, Mixed-Use, and Nonresidential Design Bonuses

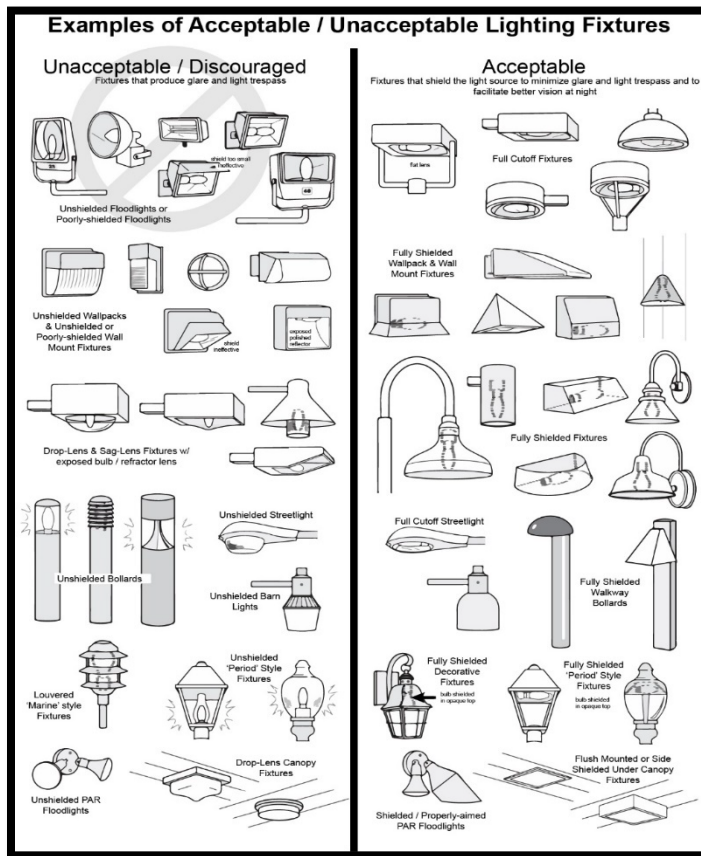
<p>I. High-Quality Design Incentive</p> <ol style="list-style-type: none">1. Establishment of Scoring System and Associated Regulatory Incentives<ol style="list-style-type: none">a. Level 1 High-Quality Design<p>A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations in Chapter 2 applicable to the subject property:</p><ol style="list-style-type: none">(i) The granting of an additional ten (10) feet of maximum height(ii) The granting of an additional ten percent (10%) of impervious cover(iii) The granting of an additional ten percent (10%) of dwelling units per acreb. Level 2 High-Quality Design <p>A cumulative score of eighty (80) points, as described below, shall result in the following changes to development regulations in Chapter 2 applicable to the subject property:</p> <ol style="list-style-type: none">(i) The granting of an additional twenty (20) feet of maximum height(ii) The granting of an additional twenty percent (20%) of impervious cover(iii) The granting of an additional twenty percent (20%) of dwelling units per acre
--

The points referenced in the incentive structure are granted based off the incorporation of design elements such as Maintaining and Enhancing the Natural Environment, Promotion of Conservation and Low-Impact Development Best Practices, Pedestrian Shelters, and Maintaining the Natural Environment. To be clear, these design elements are completely voluntary but are meant to encourage the types of high-quality designs that will have a positive impact on the City.

LIGHTING

Lighting requirements in our current code are very minimal. The code doesn't require a lighting plan, but if any light poles are placed, then they cannot leak light into neighboring residential properties. The so-called Dark Skies Initiative is a national movement that many cities throughout the state and country have undertaken to reduce, and ultimately remove, light pollution from our cities' skies. To this end, the UDC proposes the use of lighting fixtures so that no light shines back into the skies from light poles. This, in an effort reduce light pollution and eventually allow the night sky to shine in its full splendor once again. Allowable and restricted light fixtures are detailed below (Figure 10). As has been mentioned previously, while this is a new requirement, we don't believe it is too onerous with the benefits far outweighing costs.

Figure 10. Examples of Lighting Fixtures



INFILL DEVELOPMENT

Redevelopment of older areas of town is a concern for municipalities throughout the country. Generally speaking, older areas of any city have trouble meeting newer standards since they were not initially developed with those standards in mind. Locally, we have had several pre-development meetings where potential projects were abandoned because the current requirements would render the site unfeasible. Recognizing this and the position staff is in to enforce current requirements, the UDC is proposing for Infill Development Standards to match its surroundings instead of meeting newer requirements. Setbacks and building height are some items that will be allowed to match the surrounding structures. The reasoning for this change is to provide for a more predictable development of the City's older areas, thus, getting vacant properties back in use throughout the City.

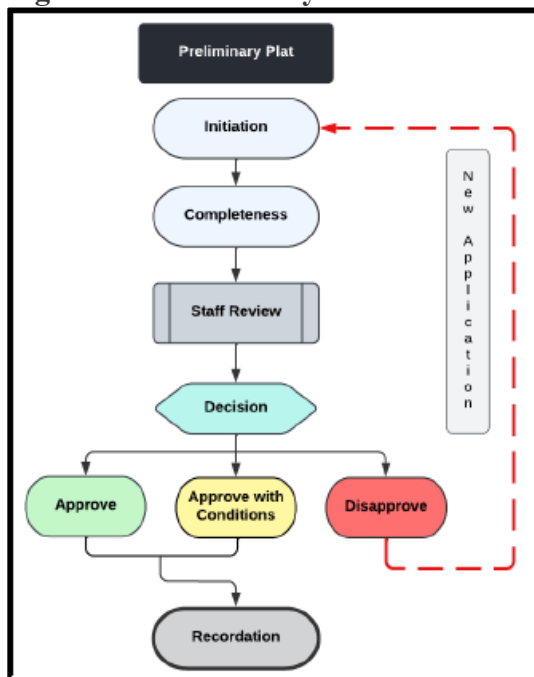
SUBDIVISIONS

Subdivision processes in Texas cities are mostly dictated by Texas Local Government Code Chapter 212. As such, there are no major changes within the UDC's subdivision section. For ease of consumption, however, there are tables and charts for the public to better understand the types of plats (see Figure 11) and the steps required to get a subdivision recorded (see Figure 12).

Figure 11. Summary of Plat Types

Plat Type Summary			
UDC Section	Plat Type	Use	Notes
Section 6.3.1	Preliminary Plat	Required before a Final Plat where infrastructure is required	
Section 6.3.2	Final Plat	Required to record subdivision of property	A Final Plat cannot be recorded until improvements have been properly installed and accepted or the appropriate surety for construction of the improvements has been filed with the City.
Section 6.3.3	Minor Plat	Final plats that already have the necessary infrastructure in place	
Section 6.3.4	Amending Plat	Minor revisions to a recorded Plat	
Section 6.3.5	Replat	Replat of currently platted lots without a Plat Vacation	
Section 6.3.6	Conveyance Plat	Plat remainder tracts into sellable lots	A conveyance plat does not authorize development and is not the first stage of the development process
Section 6.3.7	Plat Vacation	Vacate a previously recorded Plat	

Figure 12. Preliminary Plat Flowchart



As has been mentioned previously, one new addition is for the Planning Director to have discretionary approval over Preliminary Plats. The Director will be able to approve, approve with conditions, or disapprove these plats without Planning & Zoning Commission action. Since 2019, through state statute, all preliminary plats must be approved within 30 days or they are deemed approved through inaction. This has caused staff and Planning & Zoning Commissions to call for special meetings to get one or two plats approved with conditions to meet statutory deadlines. This change is being proposed to remove the need for special meetings and allow timely processing of plats when quorums are not able to be met or when time is of the essence for developers. Recognizing that subdivisions are still an item of import, final plat approvals are still being proposed to need Planning & Zoning Commission action.

BLOCK LENGTHS

Envision McAllen received a lot of input from the public requesting a better connected, more walkable and bikeable city. An important tool towards that end is maintaining shorter blocks with more connecting nodes. The City’s current maximum block lengths are 900 ft. for R-3C and R-3T zones and 1,200 ft. for all other zones. These block lengths are not conducive to a better-connected city so the UDC is proposing reductions as outlined below (see Figure 13).

Figure 13. Maximum Block Length Comparisons

Zone Type	Current Ordinances	McAllen UDC
Nonresidential (C-1 to I-2 Districts)	Up to 1,200 ft	Up to 1,000 ft
High-Density Residential & Mixed-Use (R-3, M-1, M-2, C-C)	Up to 900 ft	Up to 600 ft
Low-Medium Density Residential (R-1, R-2, ETJ)	Up to 1,200 ft	Up to 800 ft.

RIGHTS-OF-WAY & PAVING

Envision McAllen and the newly adopted Vision Zero plan both stress the importance of multi-modal transportation options and the need to provide safe alternatives to vehicle transport. Understanding that now two adopted plans comment on safer streets and multi-modal transportation options, the UDC is proposing changes to street design to accommodate bicycle lanes, reduce travel lanes, and incorporate traffic calming measures as deemed necessary. This is a departure from current design standards but one that has been continuously requested by the public and ultimately agreed upon by elected officials and city leadership through the adoption of Envision McAllen and Vision Zero. It must be stated that the right-of-way (ROW) dedications are not changing. Rather, the design within those ROWs is what will be changing (see Figure 14).

Figure 14. Comparison of ROW Requirements

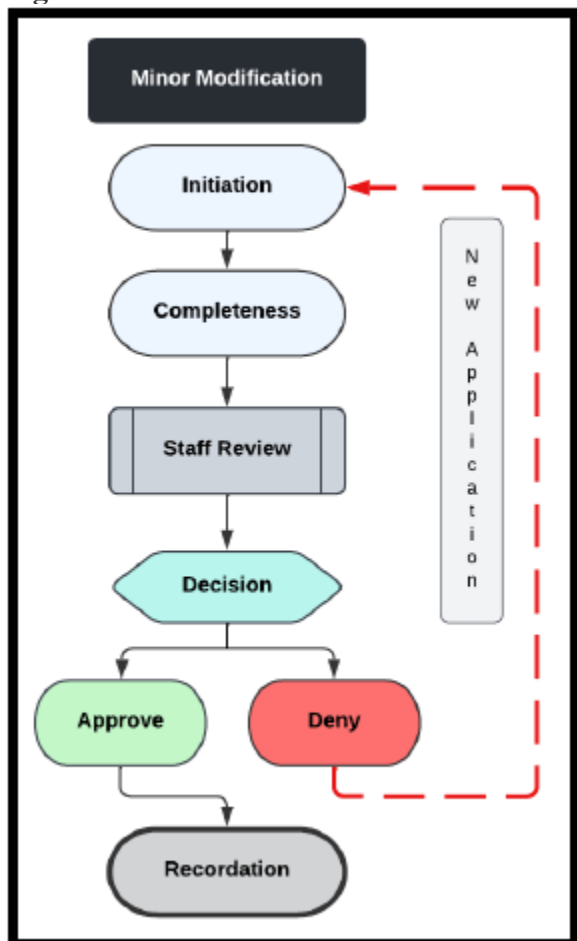
Street Typology	Min. ROW		Min. Pavement		Min. Travel Lane	
	Current	UDC	Current	UDC	Current	UDC
Hi-Speed Arterial	150 ft.	150 ft	65 ft.	48 ft.	12 ft.	12 ft.
Principal Arterial	100 ft.	100 ft.	65 ft.	44 ft.	12 ft.	11 ft.
Minor Arterial	80 ft.	80 ft.	65 ft.	44 ft.	12 ft.	11 ft.
Collector	60 ft.	60 ft.	40 ft.	22 ft.	12 ft.	11 ft.
Local	50 ft.	32 ft.	32 ft.	22 ft.	12 ft.	11 ft.

Generally speaking, however, because what are being reduced are minimums, staff still have the discretion to request greater pavement widths and travel lane widths when the situation requires it. This gives discretion to staff to make those calls instead of rigid mandates. To this end, the UDC is proposing three separate Street Typologies (Urban, Suburban, and Rural) with recommended minimums for each. Again, staff will have the discretion to understand the context of the street and make the determination in regards to the required street design.

MINOR MODIFICATIONS

A recurring theme with developers of all types has been the lack of flexibility currently written into our code. Any deviation from the requirements, regardless how small, requires a board action which, due to scheduling and notice requirements, translates to a delay of four to six weeks. To address these minimal issues, the UDC is proposing the use of minor modifications throughout the code to allow the Planning Director to approve deviations up to 10% without the need for board action. This means that an up to 10% deviation in landscaping, height, parking, signage square footage, etc. can be approved within a shorter time frame than currently allowed. Recognizing the importance of public input to major variances, any deviations greater than 10% would still need to undergo the customary variances processes and action by Planning & Zoning Commission, Zoning Board of Adjustments and Appeals, and City Commission as they case may be.

Figure 15. Review Process for Minor Modifications



SUMMARY

The major changes coming within the UDC have been outlined above as well as the rationale for those changes. Further, we have included current requirements to serve as comparison point as requested. If there is a main theme of the UDC and its changes, it is instilling flexibility into our ordinances to allow for any type of development to move quicker through the processes while still maintaining the standards the community has grown to expect. Additionally, the UDC uses the award-winning Envision McAllen Comprehensive Plan as its starting point and its compass within its proposals. All changes are geared to creating the vision McAllen residents and leadership agreed upon when Envision McAllen was being developed and ultimately adopted.

It is important to note, once again, that the UDC process involved at least six City of McAllen Department Directors who are involved in development in some way, Michelle Rivera, Assistant City Manager over development, members of the City's legal team, and three City Commissioners (Commissioners Quintanilla, Zamora, and Haddad). The UDC has been vetted continuously throughout its creation and we strongly believe it is a quality proposal that will place McAllen back in the forefront of urban planning in the Rio Grande Valley.

District	Date	Comment	Staff Response
4	11/4	Is the City aware of Strong Towns and is any of their ideas being incorporated in the document?	Strong Towns is a non-profit organization focusing on helping American cities achieve financial resiliency through better, more sustainable development. Some of Strong Town's initiatives are being incorporated into the UDC.
4	11/4	Comparison to larger cities such as Dallas - fear of mixed uses. Examples discussed: problems with sewage, weather damage to structures due to natural disasters (responded with Building Code issues), concerned with limited restrictions , testing toxicity of the land, and potential criminal activity for those residing within multifamily developments	Items noted not within the purview of the UDC. Building Codes, state, and federal laws address these issues.
4	11/4	Overpopulation concerns with multifamily developments, which would lead to water shortage	While water is certainly an invaluable resource, it does not appear McAllen is at a water deficit level to halt development.
4	11/4	Concerns with speed of the process, not enough transparency.	UDC development has been close to a three year process, including the Envision McAllen drafting, with multiple avenues for public comment and education. The UDC is the outcome of the process.
4	11/4	Discussion of vegetation - regarding if there is a specific list of acceptable landscaping, another concern was in regards to landscaping either being unmaintained after time or eventually becomes paved over	The City has a listing of native trees good for the area. While it has not been updated in some time, this is something we can undertake in the future. Also, the Property Maintenance Code would address properties not maintaining their landscaping.

4	11/4	Concerns with ADUs not having restrictions, same concern with home occupations	We have seen only two guesthome/home occupation CUPs ever been denied. The UDC is not proposing a free for all of these uses, there are requirements that need to be met for compliance. If not met, Code Enforcement would be able to issue citations. We believe the CUP process currently punishes those who follow the rules by making them wait 4-6 weeks for the CUP process to run its course.
4	11/4	How will the Citywide rezoning work? Is the City just picking random properties to rezone without notice	A Citywide rezoning is required to ensure all properties match the zoning districts developed in the UDC. When that process starts, there will be multiple public meetings and an extensive public education campaign to ensure all property owners and tenants understand what is going on and how it will affect their specific property.
4	11/4	What is the Dark Skies Initiative?	The Dark Skies Initiative is a movement that seeks to reduce light pollution and restore the nighttime environment. The UDC incorporates Dark Skies policy by requiring cut-off fixtures to be installed on lightpoles to prevent light from shining back into the sky.
6	11/6	Rezoning Process?	Before we advertise for the city wide rezoning, we will notify property owners beforehand to give them opportunity for input or negotiation. The City will consider accepting rezoning requests from the public.
6	11/6	Director's authority to make modifications, how is that different from having it run through the P&Z Board?	A Director would be able to make their decision within 48 hours instead of waiting for a regularly scheduled P&Z meeting every two weeks. However, a Director would be limited to Preliminary Plat approvals which have a statutory deadline of 30 days.

3	11/12	Rezoning concerns, regarding notifications, public influence, and timeline	The public had multiple opportunities for comments beginning three years ago with Envision McAllen where public input was sought through a variety of manners. Likewise, the public has had the opportunity to give input at the town halls, through email or phone communication with the department, and at the upcoming public hearings for P&Z and City Commission.
3	11/12	What is a zoning district?	A zoning district is a designated area within a city where specific land uses are permitted and regulated. Every property within city limits has an assigned zoning.
3	11/12	How will you rezone the city	We would send public notice through a postcard potential to notify the public about the city's proposed rezone. We would then begin the rezone in phases beginning with the outer boundaries of the city.
3	11/12	Will the rezoning be compatible to existing uses?	The city would do its best to minimize the nonconformities that would be caused by rezoning. Single family residential properties would be rezoned to the compatible zoning of the UDC.
3	11/12	How much power will residents have to object to the proposed rezone?	The public would be invited to the public hearings that would take place prior to rezoning so they may have an opportunity to protest or negotiate their desired zoning classifications.
3	11/12	What will the content of the postcard notice be for the rezoning?	Brief notice to make public aware of upcoming public hearings and invite input.
3	11/12	Will the reduction of parking requirements cause traffic overflow?	We will leave it to the discretion of the property/business owners to determine how much parking they would need to accommodate their traffic.

3	11/12	Does the UDC affect the ETJ?	No. The UDC only has jurisdiction over McAllen City Limits.
3	11/12	How will this address/resolve nonconforming uses?	We plan to rezone as many nonconforming properties into the compatible zoning districts of the UDC. Such as mixed use districts.
3	11/12	Have you made any changes based on previous concerns raised about the UDC? ADUs?	We have considered the public input on ADUs. However, we believe that the UDCs proposals are beneficial to property owners.
3	11/12	When will the city wide rezone begin?	A couple of months after the UDCs adoptions, so around January-April of next year.
3	11/12	How many nonconforming uses will be created by the city rezone?	We would attempt to minimize the amount of nonconformities caused by the UDC. We do not know an exact number at this time.
3	11/12	Parking concerns - reduced parking will affect neighborhoods	Reduced parking requirements are not being implemented for residential properties. Commercial properties are overparked as is evident by observations throughout the City. Neighboring cities have adopted more relaxed parking requirements without issue. Further, our parking requirements are minimums which the developer is free to exceed as they see fit.
3	11/12	How is the ETJ affected?	ETJ is not affected other than in subdivision section. There is no zoning in ETJ.
3	11/12	Has an overall study been done regarding the number of non-conformities once the city wide rezoning process occurs?	This has begun on a limited basis. Staff's overall goal is to reduce nonconformities as much as possible. Overall, the new zoning districts are more inclusive than restrictive so the final number should be low. This will be further looked at as Citywide rezoning process is undertaken.

2	11/14	Is the proposed zoning map in the UDC?	The UDC does not contain a zoning map, but does contain the zones we will be using for the Citywide rezoning. Envision McAllen has a Future Land Use Map that will help guide the rezoning decisions.
2	11/14	How often do developers come in during holidays that will require planning director to approve without the p&z board?	Failure to meet quorum is common during the holidays and can cause delays for developments or require Special Meetings.
2	11/14	Development is a long process, does the delay from waiting for p&z board decisions affect developers that much that requires planning director having power to approve without p&z hearing?	When dealing with million dollar loans, every day does count because it's a day of interest. Director approval is a tool to facilitate development approvals.
2	11/14	Is the city prioritizing development over citizens? UDC seems to benefit developers not citizens.	We believe every property owner is a developer and the streamlining within the UDC will help anyone who is developing their property whether it's a single family home or a multi-acre development.
2	11/14	Concern over narrower roads making driving less safe	Narrower roads have been continuously shown to be safer by reducing travel speeds. Numerous studies can be found from transportation planners and engineers on this.
2	11/14	Will we be seeing more narrower lots now in residential development?	Narrower lots is something we've heard from the public and developers. Not everyone wants a 5,000 sq. ft. lot and everything that entails. Reducing lot minimums opens up different housing options.
2	11/14	Will narrower lots cause more vehicle congestion?	Narrower lots will still require the usual parking spots. The City cannot control how many vehicles a family ultimately owns.
2	11/14	How did we solicit input over Envision McAllen?	Envision McAllen received input through stakeholder meetings, surveys, multiple public outreach events, and an interactive website.

2	11/14	How many people actually submitted comments for Envision McAllen?	There were 2,168 unique users to the Envision McAllen website with 6,847 total visits. 198 people took the survey and another 100 placed comments on our interactive board.
2	11/14	What are we going to do with the input being provided now by citizens?	Input from town halls will be catalogued and addressed on an individual basis, depending on the comment, action may be taken on the UDC.
2	11/14	Will this code affect the character of existing modest neighborhoods?	Older neighborhoods are protected through their recorded plat and existing HOA covenants and restrictions. The UDC does not supplant these.
5	11/19	Lack of trust, used ZOHO as an example	The Citywide rezoning process will be guided through Envision McAllen's Future Land Use Map. When that process is started, legal notifications as per state law and local ordinances will be followed with opportunities for the public to be heard.
5	11/19	Resident concerns that their properties will be rezoned, ex. R-1 will become R-2	Envision McAllen will be used to guide rezoning decisions. There is no contemplating to upzone existing single family subdivisions.
5	11/19	Discussion of public notice - not enough advertisement	Director has done half a dozen interviews in both english and spanish as well as in visual and print media. City staff also underwent an extensive social media campaign.
5	11/19	ADUs concerns, such as parking, enclosing garages, renting to public (safety concerns)	ADUs will not be allowed in a vacuum. There are still requirements that must be met in regards to obtaining a building permit for them such as providing an extra parking spot, meeting setbacks, size maximums, and being on the same water/light meter as main house.

1	11/21	Can you clarify the consolidation of zones of R3's?	Our current R-3A (apartment), R-3C (condominium), and R-3T (townhouse) districts will be consolidated into one R-3 High Density District which will allow apartments, condominiums, and townhomes.
1	11/21	Are ADUs required to have separate meters?	No, ADU's will need to be on the same meter as main house.
1	11/21	Will park development fees be consistent?	Park fees were not in the purview of the UDC and, thus, were not changed.
1	11/21	ADU - Do you need a building permit to be approved?	Yes, ADUs will require a building permit for construction.
1	11/21	Will ADU's be rentable?	Yes, we are proposing for ADU's to be allowed to be rented out.
1	11/21	What will be the parking regulations for ADU's? The parking will be insufficient for the surrounding neighbors.	Parking regulations for ADU's will be the same as currently, one parking spot will be required.
1	11/21	Will airbnb's need regulations?	Short-term rentals must follow McAllen Code of Ordinances Chapter 46, Article VII. They were not in the purview of this UDC.
1	11/21	Will there be buffer zones for current zones?	Planning staff understand the importance of ensuring separation between residential and commercial uses. During Citywide rezoning, attention will be paid to address transitions.
1	11/21	How will this benefit citizens other than developers? Seem more favorable for the developer.	We believe every property owner is a developer and the streamlining within the UDC will help anyone who is developing their property whether it's a single family home or a multi-acre development.
1	11/21	Will there be more input from citizens for the UDC?	The UDC will be presented at P&Z on December 3rd and at City Commission December 9th. Both these meetings are public and comments may be made at each.

1	11/21	What are the board dates to vote on the UDC? This should be tabled so more people can have input.	The UDC will be presented at P&Z on December 3rd and at City Commission December 9th. Both these meetings are public and comments may be made at each.
1	11/21	How will the neighbors be notified of a variance if the director does immediate approval?	The Minor Modifications proposed in the UDC have a maximum value of 10% deviation. Anything greater will still need to follow customary variance application and notification requirements.
1	11/21	The new code has to recognize the existing codes and can't repeal everyting.	Staff understands the previous codes existed and can apply them without including them in UDC. This is done to a certain extent already without issue.
1	11/21	Allowing ADU seems to be eliminating R-1 (single-family) District	This is not accurate, most of the restrictions currently in place for guesthomes are being brought on. The main difference is a 4-6 week waiting period to move forward.
1	11/21	How does the design guidelines work?	Design guidelines incentivize green and human-centered building. By meeting the requisite points, a development will have flexibility on their site such as increased signage, decreased parking requirements, increases in height and density.
1	11/21	Thank you for the new code. I hope to see more amenities for the young in McAllen with the UDC, not only single-family and parking lots	We believe the UDC will bring progressive changes to McAllen that fall in line with Envision McAllen's goal of creating a denser and more efficient land using city.

UDC DRAFT

Draft Date: October 9, 2024

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Chapter 1. General Provisions

Article 1.1. Generally

Section 1.1.1. Title

This Chapter is referred to as the “McAllen Unified Development Code” or “UDC.”

Section 1.1.2. Purpose

A. Generally

The UDC implements the purposes established in Texas Local Government Code Sections 211.001 and 211.004:

1. Implements McAllen’s Comprehensive Plan;
2. Promotes the public health, safety, morals, and general welfare;
3. Protects and preserves places and areas of historical, cultural, or architectural importance and significance; and
4. Provides for efficient and effective processing of zoning and land use applications.

B. Establishment

In interpreting and applying this UDC, this UDC establishes the minimum requirements to promote public safety, health, and general welfare.

Section 1.1.3. Authority

A. Texas State Law

The following chapters and sections of the laws of the State of Texas authorizing the exercise of authority in this UDC:

1. Texas Local Government Code, including:
 - a. Chapter 41 (Municipal Boundaries);
 - b. Chapter 42 (Extraterritorial Jurisdiction of Municipalities);
 - c. Chapter 43 (Municipal Annexation);
 - d. Chapter 54 (Enforcement of Municipal Ordinance);
 - e. Chapter 211 (Municipal Zoning Authority);
 - f. Chapter 212 (Municipal Regulation of Subdivisions and Property Development);
 - g. Chapter 213 (Municipal Comprehensive Plans);
 - h. Chapter 214 (Municipal Regulation of Housing and Other Structures);
 - i. Chapter 215 (Municipal Regulation of Businesses and Occupations);
 - j. Chapter 216 (Regulation of Signs by Municipalities)
 - k. Chapter 217 (Municipal Regulation of Nuisances and Disorderly Conduct); and
 - l. Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Business).

- 2. Texas Government Code, including Chapters 311 (Code Construction Act) and 312 (Construction of Laws), to the extent applicable to this Chapter.
- 3. Texas Water Code, including the Flood Control and Insurance Act [(Secs. 16.311 through 16.324) (also see 44 C.F.R part 60 (Requirements for Flood Plain Management Regulations)].

B. Exercise of Powers

This UDC is adopted in the exercise of the power granted by municipalities by these statutes and the City Charter of McAllen.

C. Fees Established

City Commission shall establish a schedule of fees as required to recoup costs related to the administration of this UDC.

Section 1.1.4. Applicability

A. Generally

This UDC applies to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, and infrastructure as they relate to the purpose and intent of this UDC and enumerated below.

B. Zoning Regulations

Zoning regulations, including zoning districts, land uses, and development standards, in this UDC apply to all areas within McAllen’s corporate limits.

C. Subdivision Regulations

Subdivision and platting regulations in this UDC apply to all areas within McAllen’s corporate limits and extraterritorial jurisdiction (ETJ).

D. Building Permits

- 1. Any reference to the issuance of building permits by the City applies only to McAllen’s corporate limits, unless the property owner has contracted through subdivision plat restrictions, or another legal instrument, to extend the City’s authority to issue building permits for construction on its property.
- 2. Any reference to the authority of the City to inspect the construction of necessary subdivision improvements apply within the McAllen’s corporate limits, unless the property owner so contracted with the City through subdivision plat restrictions, or another legal instrument.

E. Easements, Covenants, and Private Agreements

This UDC does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

Section 1.1.5. Consistency with Comprehensive Plan

The City finds that this UDC is consistent with its Comprehensive Plan. The comprehensive plan policies provide guidance in the evaluation of future decisions relevant to municipal planning.

Article 1.2. Legal Provisions

Section 1.2.1. Relationship to Other State, Federal, and Local Provisions

A. Generally

If this UDC imposes a greater restriction upon the use of buildings or premises or building height or requires larger open spaces than are required by other ordinances, rules, regulations, easements, covenants, or agreements, this UDC governs.

B. Conflict with State or Federal Regulations

If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

C. Conflict with other City Regulations

If the provisions of this UDC are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

D. Conflict with Plat Restrictions

1. Nothing in this UDC invalidates any plat restriction authorized by the Planning and Zoning Commission or City Commission, nor any provision of adopted building codes.

2. Building setback lines included in a recorded subdivision plat approved by the Planning and Zoning Commission control over general setback provisions required under the zoning provisions of this UDC.

E. Conflict with Building Code Requirements

1. No building setback shall be less than that specified for the type of construction proposed by adopted building codes.

2. The Zoning Board of Adjustment has no authority to reduce any building setback required under adopted building codes.

Section 1.2.2. Private Restrictions

This UDC does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, if the provisions of this UDC are more restrictive or impose higher standards than any private restriction, the requirements of this UDC control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDC, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions. The City does not enforce private restrictions.

Section 1.2.3. Severability

If any article, division, section, paragraph, clause, phrase, or provision of this UDC is, for any reason, adjudged invalid or held to be unconstitutional, the invalidity or unconstitutionality of that particular article, section, paragraph, subdivision, clause, phrase or provision so declared does not affect the validity or constitutionality of the remaining provisions of this UDC, but the same, and each of them, remain in full force and effect.

Section 1.2.4. Repeal of Existing Ordinances

A. Repeal

Any ordinance inconsistent with the terms and provisions of this UDC is repealed (*Chapter 130 – Signs, Chapter 134 – Subdivisions, Chapter 138 – Zoning*). That repeal, however, is only to the extent of any inconsistency. In all other respects, this ordinance is cumulative of other ordinances regulating the same subject matter.

B. Fire Prevention, Health, Sanitation, and Safety

Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation or safety of persons or property enacted by the City. If any restriction, prohibition, or provision of this

UDC conflict with those provisions or any laws of the State of Texas, or with regulations of State or Federal regulatory bodies having jurisdiction:

1. If the provision of this UDC is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies, or
2. If the state or federal law preempts a provision of this UDC, the state or federal law applies.

Section 1.2.5. Effective Date

This UDC takes effect upon adoption of the ordinance from which it is derived by the City Commission. The provisions of this UDC supersede all other development regulations governing the development of land within the City. All development applications and proposals filed on or after the effective date of the ordinance from which this UDC is derived, whether for new developments or for additions or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this UDC.

Chapter 2. Zoning Districts

Article 2.1. Generally

Section 2.1.1. Generally

- A. The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this article for the zoning district in which the building, structure, or land is located.
- B. Article 4.2 establishes the rules for applying the dimensional standards in the zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Nothing in this article authorizes an encroachment within any easements or plat restrictions, unless otherwise specified.

Section 2.1.2. Zoning Districts Established

- A. Generally

The City is geographically divided into the following base, overlay, and special zoning districts. The zoning districts are established according to Table 2.1.2-1.

1. Base districts capture the major development categories, including residential and nonresidential uses and activities. Each base district includes permitted uses and dimensional standards.
2. Special districts establish additional standards, but some standards may be unique to individual developments as determined through a site plan approval process.
3. Overlay districts establish additional standards within a base or special district.

- B. Zoning District Equivalency

See Table 2.1.2-1

Table 2.1.2-1: Zoning District Equivalency

District Category	Applicable Zoning District	Previous Zoning District
Base	A-O	A-O
	R-1	R-1

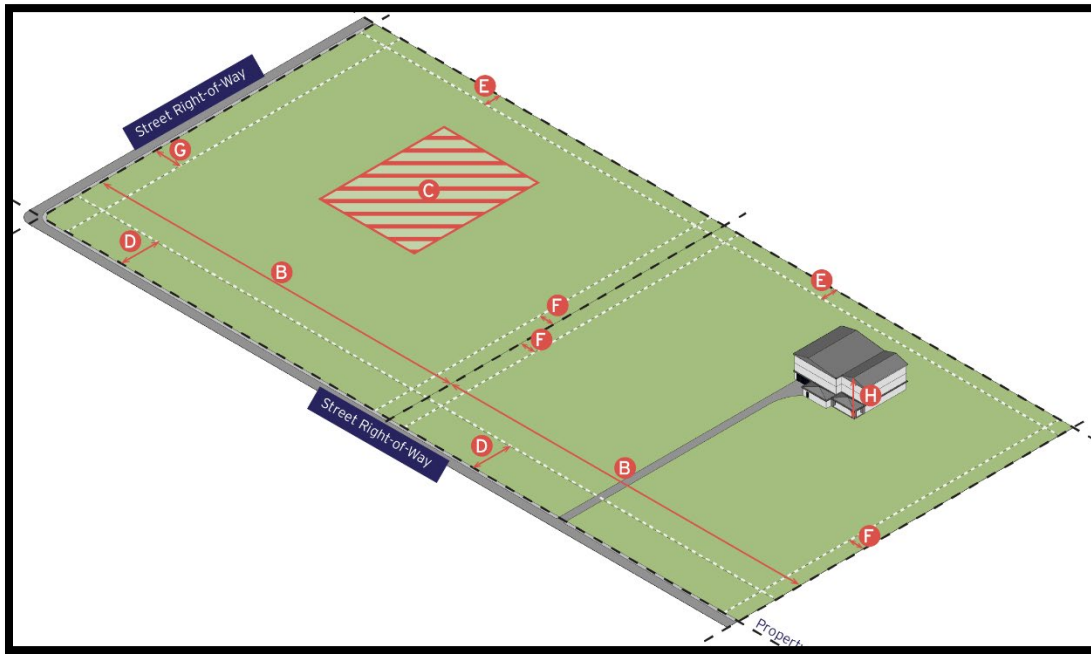
District Category	Applicable Zoning District	Previous Zoning District
	R-2	R-2
	R-3	R-3A
		R-3C
		R-3T
	C-1	C-1
		C-2
		C-3L
	C-2	C-3
I-1	I-1	
	C-4	
I-2	I-2	
Special	M-1*	-
	M-2*	-
	C-C*	-
	PUD	-
Overlay	T-O*	-
Notes	*= New zoning district	

Section 2.1.3. Zoning Map

The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the City of McAllen, Texas. The Zoning Map includes all notations, references, data, district boundaries and other associated information, and is adopted as part of this UDC. The Zoning Map, properly attested, is on file in the office of the City Secretary and displayed as a GIS layer on the City’s website. The Zoning Map may be amended as provided in Chapter 6.

Article 2.2. Base Districts

Section 2.2.1. Agricultural and Open Space (A-O) District



A. Purpose

The Agricultural and Open Space (A-O) District provides, preserves, and maintains large tracts of undeveloped land for agricultural pursuits such as crop production and farming, ranching and raising livestock, wildlife management, and agrarian lifestyle practices. This district protects agricultural areas from encroachment of urban and suburban development. This district implements the character and intent of the Comprehensive Plan’s Conservation Land Use Category.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Agricultural and Open Space (A-O) District shall follow the standards in Table 2.2.1-1.

Table 2.2.1-1: A-O District Dimensional Standards

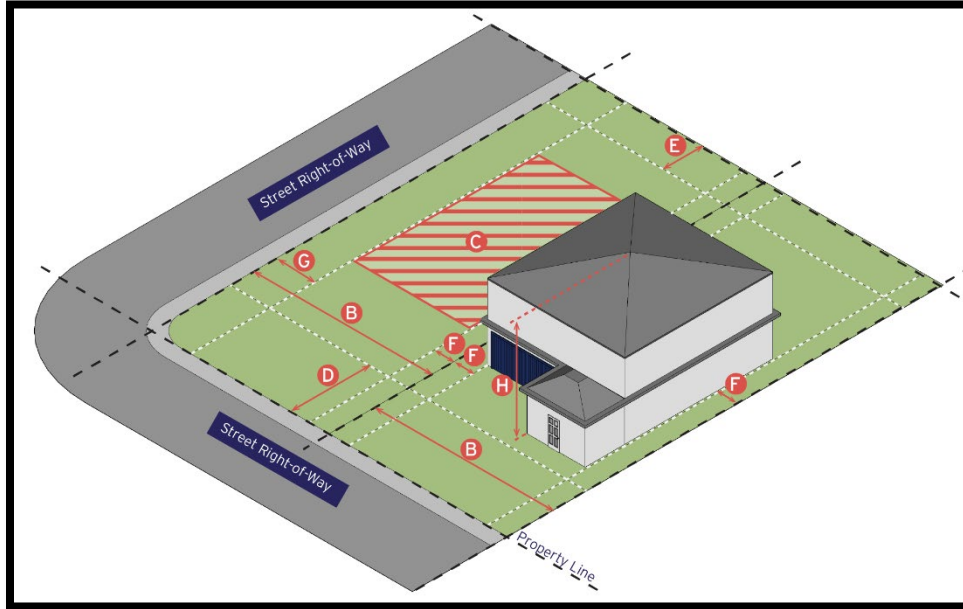
Agricultural and Open Space (A-O) District		
Lot Requirements		
A	Lot Area (min.)	5 acres
B	Lot Width (min.)	150 feet
C	Lot Coverage (max.)	10%
Setback Requirements		
D	Front Yard (min.)	50 feet
E	Rear Yard (min.)	20 feet

Agricultural and Open Space (A-O) District		
F	Side Yard (min.)	20 feet
G	Corner Side Yard (min.)	35 feet
Building Requirements		
H	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

D. Special Regulations

1. The Agricultural (A-O) district is the district to be assigned to newly annexed properties unless a different district is selected for initial zoning.
2. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets or alleys unless otherwise specified by the Planning and Zoning Commission.

Section 2.2.2. Low-Density Residential (R-1) District



A. Purpose

The Low-Density Residential (R-1) District is designed to primarily accommodate low-density single-family residential development supported by parks, open space, cultural, and educational amenities. This district implements the character and intent of the Comprehensive Plan’s Complete Community, Parks and Open Space, and Public/Semi-Public Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Low-Density Residential (R-1) District shall follow the standards in Table 2.2.2-1.

Table 2.2.2-1: R-1 District Dimensional Standards

Low-Density Residential (R-1) District		
Lot Requirements		
A	Lot Area (min.)	5,000 square feet
B	Lot Width (min.)	45 feet
C	Lot Coverage (max.)	50%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet
Building Requirements		
H	Building Height (max.)	35 feet

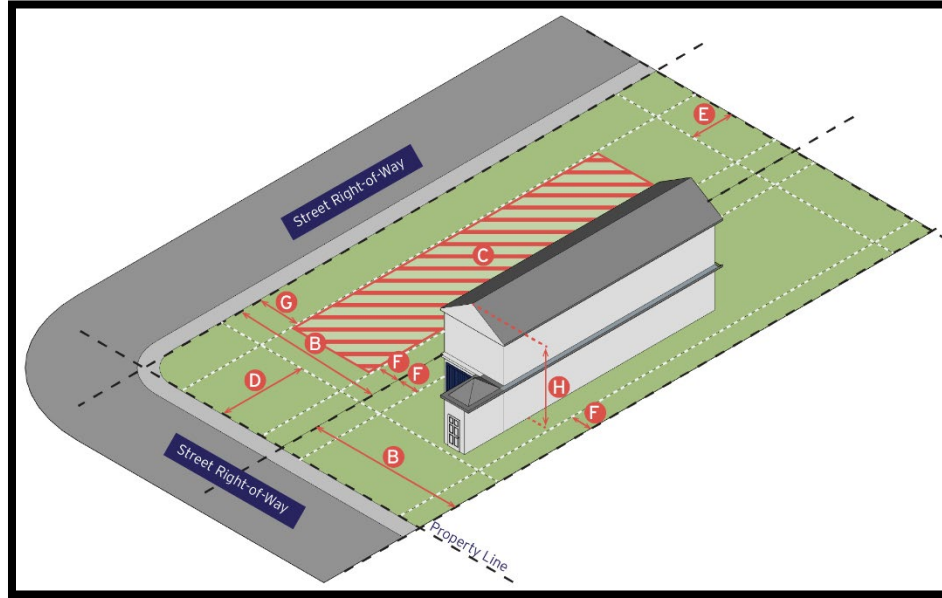
Low-Density Residential (R-1) District
Additional Applicable Requirements within the Zoning Regulations
Chapter 3 – Uses Chapter 4 – Development Standards

D. Special Regulations

1. No zero property line dwelling shall encroach over any side property line.
2. The Low-Density Residential (R-1) District shall not be located within one thousand (1,000) feet of a designated McAllen Thoroughfare Plan highway¹. This distance shall be measured from the right-of-way center line to the nearest residential property line.
3. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets or alleys unless otherwise specified by the Planning and Zoning Commission.

¹ This term shall align with the largest thoroughfare classification (i.e., highway, freeway, etc.)

Section 2.2.3. Medium-Density Residential (R-2) District



A. Purpose

The Medium-Density Residential (R-2) District provides for medium-density residential development with a diversified range of housing choices. This district encourages a mix of single-family, two-family, and multi-family residential uses and incentivizes community amenities to form compact, accessible, walkable, and equitable neighborhoods. This district implements the character and intent of the Comprehensive Plan’s Complete Community, Mixed Density Complete Neighborhood, Parks and Open Space, and Public/Semi-Public Land Use Categories, while promoting "missing middle housing" development.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Medium-Density Residential (R-2) District shall follow the standards in Table 2.2.3-1.

Table 2.2.3-1: R-2 District Dimensional Standards

Medium-Density Residential (R-2) District		
Lot Requirements		
A	Lot Area (min.)	4,500 square feet
B	Lot Width (min.)	35 feet
C	Lot Coverage (max.)	60%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet

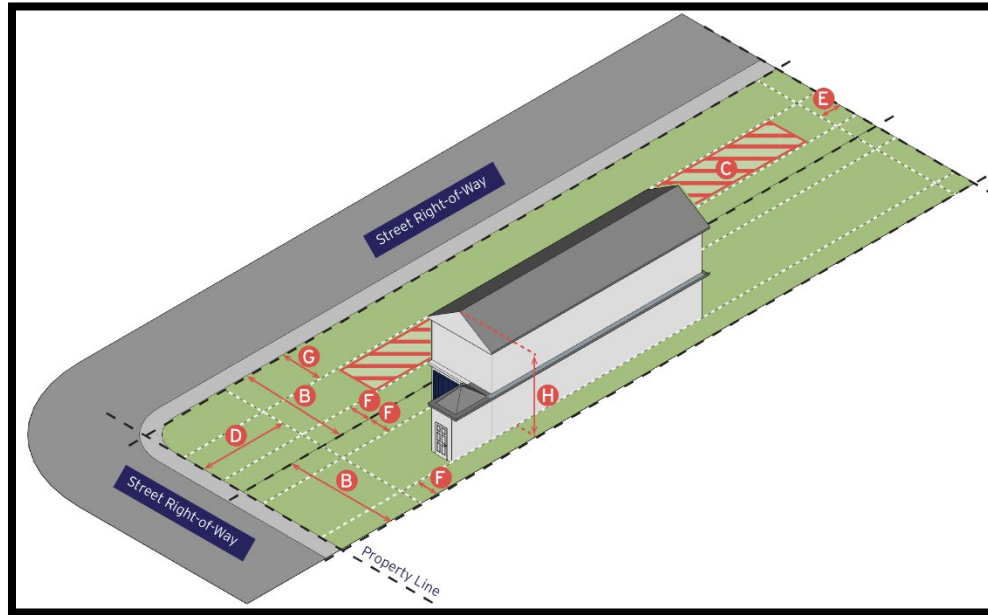
Medium-Density Residential (R-2) District		
Building Requirements		
H	Building Height (max.)	35 feet
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

D. Special Regulations

1. No zero property line dwelling shall encroach over any side property line.
2. Any minimum lot area for a triplex, fourplex, courtyard apartment, or bungalow court shall be nine thousand (9,000) square feet.
3. The minimum lot area for a townhouse shall be two thousand, two-hundred fifty (2,250) square feet with a minimum lot width of twenty (20) feet.
4. Where a townhouse is not separated from an adjacent structure by a firewall, the front and side setback from the e property line shall be five (5) feet each side. The rear yard setback shall be zero (0) feet. Where separated by a firewall, the side setback for the shared wall is zero (0) feet. Side yard setback on corner lots shall be ten (10) feet.
5. The Medium-Density Residential (R-2) District shall not be located within five hundred (500) feet of a designated McAllen Thoroughfare Plan highway². This distance shall be measured from the right-of-way center line to the nearest residential property line.
6. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets or alleys unless otherwise specified by the Planning and Zoning Commission.

² This term shall align with the largest thoroughfare classification (i.e., highway, freeway, etc.)

Section 2.2.4. High-Density Residential (R-3) District



A. Purpose

The High-Density Residential (R-3) District provides for high-density residential development, targeting well-designed multi-family uses serving as a transition between medium-density residential development and commercial nodes. This district encourages multi-family uses with site development characteristics that accommodate open space and access to light and air. This district implements the character and intent of the Comprehensive Plan’s Mixed Density Complete Neighborhood Land Use Category and promotes development of the "missing middle housing" concept.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the High-Density Residential (R-3) District shall follow the standards in Table 2.2.4-1.

Table 2.2.4-1: R-3 District Dimensional Standards

High-Density Residential (R-3) District		
Lot Requirements		
A	Lot Area (min.)	4,000 square feet
B	Lot Width (min.)	25 feet
C	Lot Coverage (max.)	70%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	5 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet

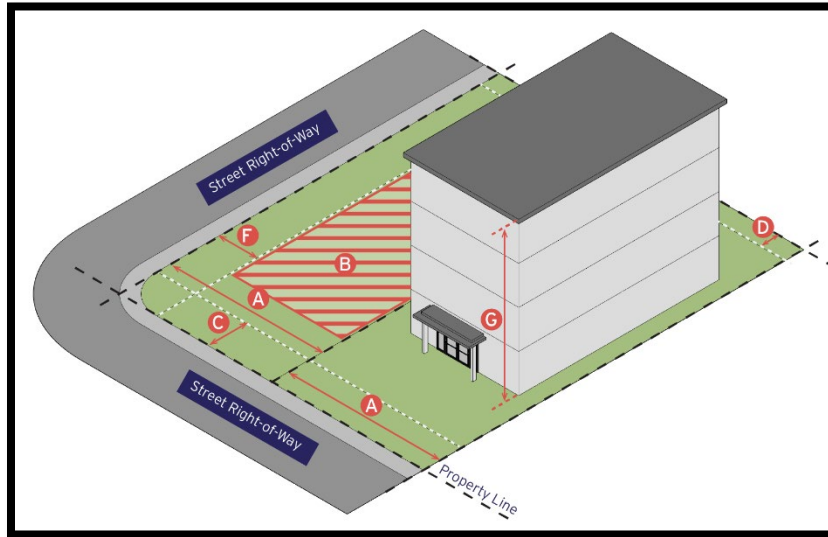
High-Density Residential (R-3) District		
Building Requirements		
H	Building Height (max.)	45 feet
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

D. Special Regulations

1. The following minimum lot areas apply:
 - a. Duplex: 4,000 square feet
 - b. Townhouse: 2,000 square feet
 - c. Triplex: 6,000 square feet
 - d. Fourplex: 8,000 square feet
 - e. Courtyard Apartment, Bungalow Court, Multiplex: 10,000 square feet
 - f. Multi-Family Dwelling (Apartment): 12,000 square feet
2. The minimum lot width for a townhouse shall be fifteen (15) feet.
3. Where a townhouse is not separated from an adjacent structure by a firewall, the front and side setback from the property line shall be five (5) feet each side. The rear yard setback shall be zero (0) feet. Where separated by a firewall, the side setback for the shared wall is zero (0) feet. Side yard setback on corner lots shall be ten (10) feet.
4. No townhouse, duplex, or triplex shall be located within two hundred fifty (250) feet of a designated McAllen Thoroughfare Plan highway³. This distance shall be measured from the right-of-way center line to the nearest residential property line.
5. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets and five (5) feet from alleys unless otherwise specified by the Planning and Zoning Commission.
6. The maximum building height may be increased per Section 2.4.1.

³ This term shall align with the largest thoroughfare classification (i.e., highway, freeway, etc.)

Section 2.2.5. Local Commercial (C-1) District



A. Purpose

The Local Commercial (C-1) District provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service businesses, restaurants, and public spaces. This district offers a transition between neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this district is primarily pedestrian-scaled to help improve vehicular circulation and safely accommodate residents and pedestrians. This district implements the character and intent of the Comprehensive Plan’s Mixed Use Corridor Land Use Category.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

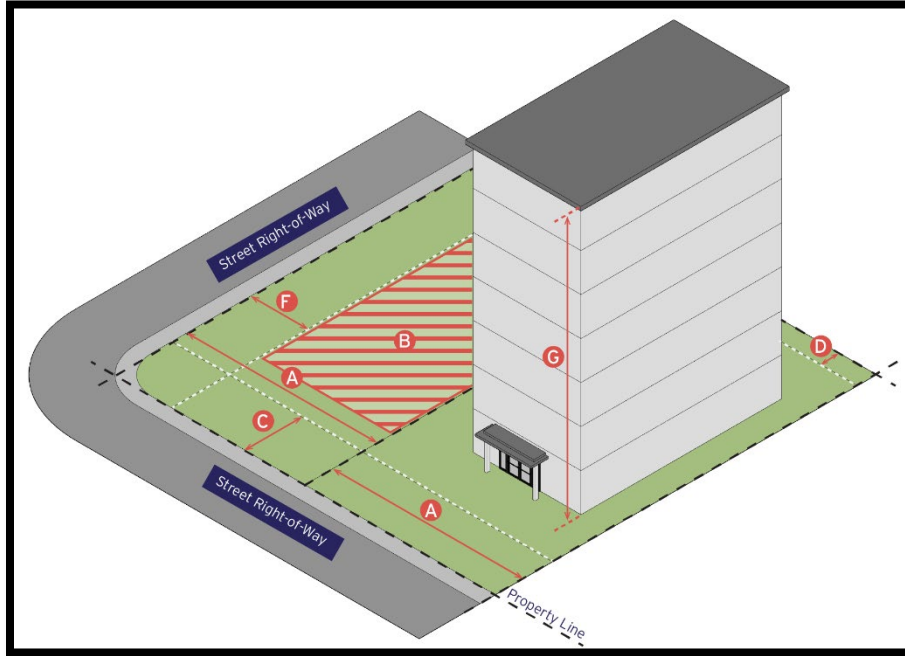
Development in the Local Commercial (C-1) District shall follow the standards in Table 2.2.5-1.

Table 2.2.5-1: C-1 District Dimensional Standards

Local Commercial (C-1) District		
Lot Requirements		
A	Lot Width (min.)	40 feet
B	Lot Coverage (max.)	70%
Setback Requirements		
C	Front Yard (min.)	10 feet
D	Rear Yard (min.)	5 feet
E	Side Yard (min.)	0* feet
F	Corner Side Yard (min.)	10 feet
Building Requirements		
G	Building Height (max.)	45 feet
Notes		

Local Commercial (C-1) District
* = The side yard requirement may be reduced to zero feet if a side yard setback conforms with the building code, is within the same district or nonresidential use, and a firewall separates the two side yards.
Additional Applicable Requirements within the Zoning Regulations
Chapter 3 – Uses Chapter 4 – Development Standards

Section 2.2.6. Regional Commercial (C-2) District



A. Purpose

The Regional Commercial (C-2) District provides for medium to large-scale development of retail, service, entertainment, office, necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers, that are automobile-oriented and generate high traffic counts. This district implements the character and intent of the Comprehensive Plan’s Regional Commercial, Mixed Use Corridor, and Employment Center Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

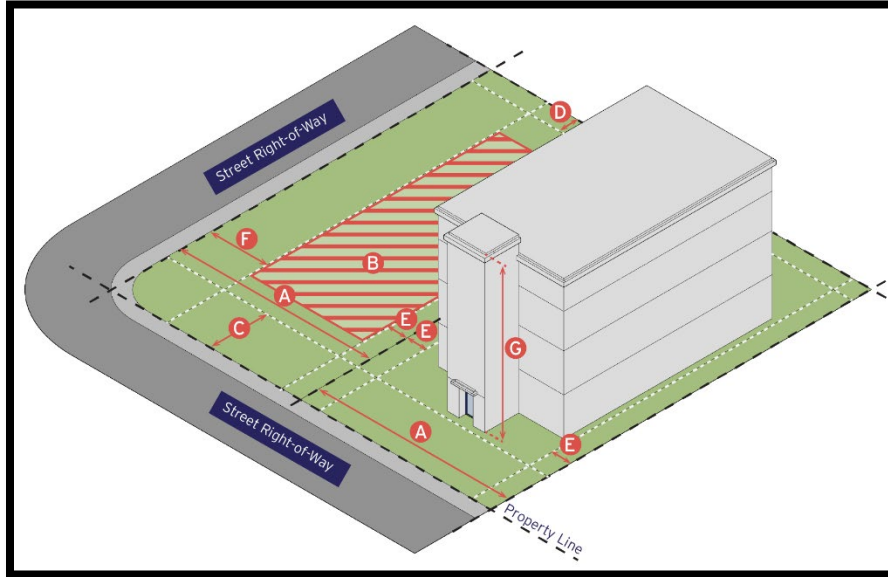
Development in the Regional Commercial (C-2) District shall follow the standards in Table 2.2.6-1.

Table 2.2.6-1: C-2 District Dimensional Standards

Regional Commercial (C-2) District		
Lot Requirements		
A	Lot Width (min.)	50 feet
B	Lot Coverage (max.)	80%
Setback Requirements		
C	Front Yard (min.)	15 feet
D	Rear Yard (min.)	5 feet
E	Side Yard (min.)	0* feet
F	Corner Side Yard (min.)	15 feet
Building Requirements		

Regional Commercial (C-2) District		
G	Building Height (max.)	70 feet
Notes		
* = The side yard requirement may be reduced to zero feet if a side yard setback conforms with the building code, is within the same district or nonresidential use, and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

Section 2.2.7. Light Industrial (I-1) District



A. Purpose

The Light Industrial (I-1) District provides for manufacturing, day laborers, commercial uses, wholesale businesses, material fabrication, research facilities, and general industrial uses that are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. This district provides a transition between heavy industrial uses and other less intensive commercial activity and residential uses. This district implements the character and intent of the Comprehensive Plan’s Employment Center and Industrial Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

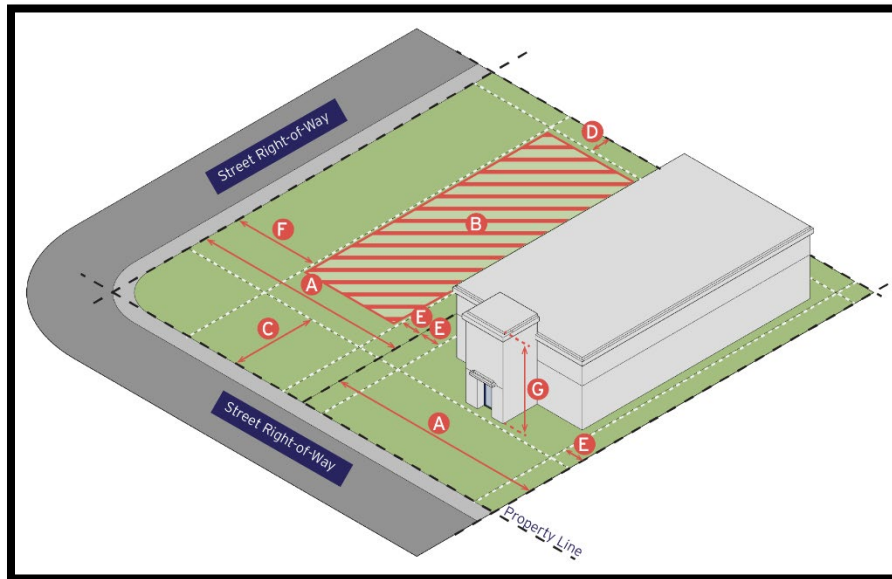
Development in the Light Industrial (I-1) District shall follow the standards in Table 2.2.7-1.

Table 2.2.7-1: I-1 District Dimensional Standards

Light Industrial (I-1) District		
Lot Requirements		
A	Lot Width (min.)	50 feet
B	Lot Coverage (max.)	70%
Setback Requirements		
C	Front Yard (min.)	15 feet
D	Rear Yard (min.)	5 feet
E	Side Yard (min.)	5* feet
F	Corner Side Yard (min.)	15 feet
Building Requirements		
G	Building Height (max.)	45 feet

Light Industrial (I-1) District
Notes
* = The side yard requirement may be reduced to zero feet if a side yard setback conforms with the building code, is within the same district or nonresidential use and a firewall separates the two side yards.
Additional Applicable Requirements within the Zoning Regulations
Chapter 3 – Uses Chapter 4 – Development Standards

Section 2.2.8. Heavy Industrial (I-2) District



A. Purpose

The Heavy Industrial (I-2) District provides areas for manufacturing, processing, assembling, storing, testing, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this district is sometimes incompatible with less intensive uses by reason of traffic, noise, vibration, dust, glare, or emissions, and are intrusive to commercial activity and residential areas. This district implements the Comprehensive Plan’s Employment Center and Industrial Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Heavy Industrial (I-2) District shall follow the standards in Table 2.2.8-1.

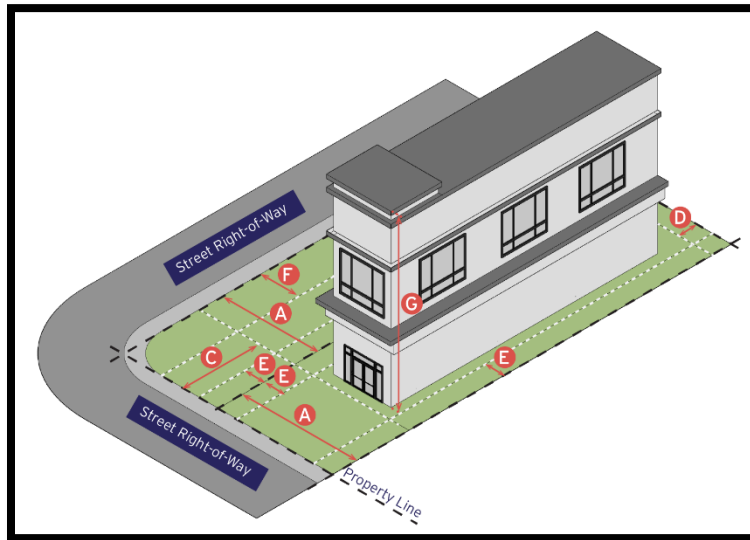
Table 2.2.8-1: I-2 District Dimensional Standards

Heavy Industrial (I-2) District		
Lot Requirements		
A	Lot Width (min.)	50 feet
B	Lot Coverage (max.)	70%
Setback Requirements		
C	Front Yard (min.)	20 feet
D	Rear Yard (min.)	10 feet
E	Side Yard (min.)	5* feet
F	Corner Side Yard (min.)	20 feet
Building Requirements		

Heavy Industrial (I-2) District		
G	Building Height (max.)	N/A, but Airport Zoning Regulations shall apply
Notes		
* = The side yard requirement may be reduced to zero feet if a side yard setback conforms with the building code, is within the same district or nonresidential use and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

Article 2.3. Special Districts

Section 2.3.1. Local Mixed Use (M-1) District



A. Purpose

The Local Mixed Use (M-1) District provides for medium to high-density residential development comingled with localized low to medium intensity commercial services, retail, and offices. This district encourages use variety and "missing middle housing" options, emphasizing a cohesive development pattern to achieve housing diversity, accessibility, walkability, and equity. This district implements the Comprehensive Plan's Mixed Density Complete Neighborhood and Mixed Use Nodes Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Local Mixed Use (M-1) District shall follow the standards in Table 2.3.1-1.

Table 2.3.1-1: M-1 District Dimensional Standards

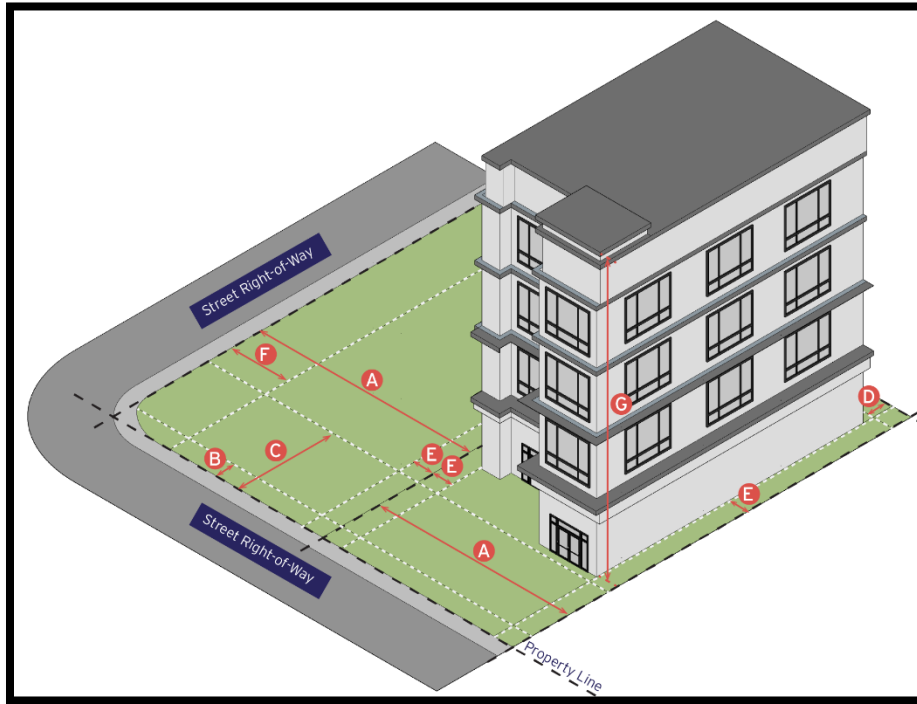
Local Mixed Use (M-1) District		
Lot Requirements		
A	Lot Width (min.)	20 feet
Setback Requirements		
B	Front Yard (min.)	0 feet
C	Front Yard (max.)	20 feet
D	Rear Yard (min.)	5 feet
E	Side Yard (min.)	5 feet
F	Corner Side Yard (min.)	10 feet
Building Requirements		
G	Building Height (max.)	50 feet

Additional Applicable Requirements within the Zoning Regulations
Chapter 3 – Uses
Chapter 4 – Development Standards

D. Special Regulations

1. Any building with a footprint greater than fifteen thousand (15,000) square feet may be considered, and require CUP approval.
2. Any building greater than fifty (50) feet tall may be considered, and require CUP approval unless modified per Section 2.4.1.
3. Residential dwelling units are limited to no more than fifty percent (50%) of the development’s cumulative building square footage on the ground floor within the Local Mixed Use (M-1) District.

Section 2.3.2. Regional Mixed Use (M-2) District



A. Purpose

The Regional Mixed Use (M-2) District provides for development outside of McAllen’s city core that have identifiable centers and edges, a walkable development pattern, accessible community open spaces, and various commercial tenants. This district provides residential, entertainment venues, commercial, and office uses that harmoniously coexist in a higher density, pedestrian-oriented environment. This district implements the Comprehensive Plan’s Mixed Density Complete Neighborhood, Mixed Use Nodes, Mixed Use Corridor, Regional Commercial, and Employment Center Land Use Categories.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the Regional Mixed Use (M-2) District shall follow the standards in Table 2.3.2-1.

Table 2.3.2-1: M-2 District Dimensional Standards

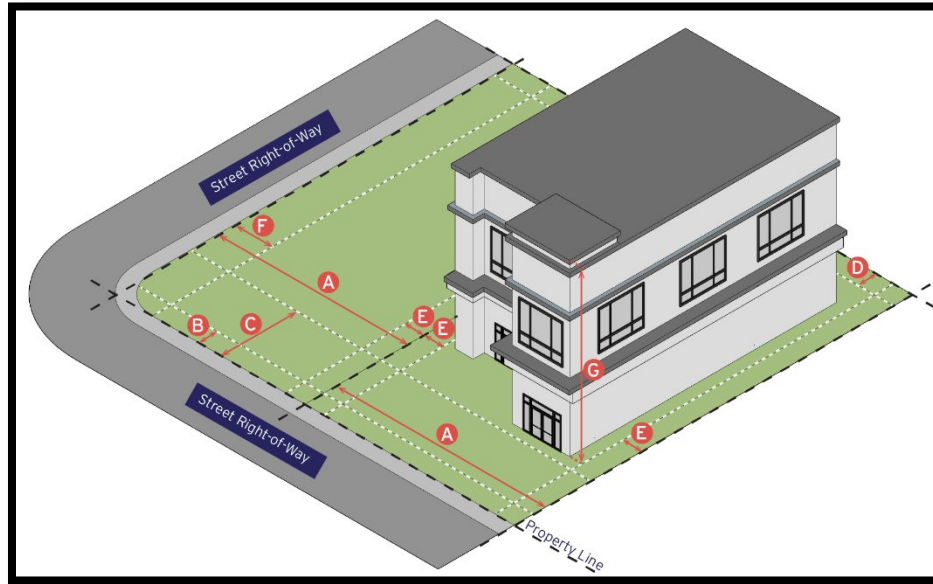
Regional Mixed Use (M-2) District		
Lot Requirements		
A	Lot Width (min.)	20 feet
Setback Requirements		
B	Front Yard (min.)	5 feet
C	Front Yard (max.)	25 feet
D	Rear Yard (min.)	5 feet
E	Side Yard (min.)	5 feet

Regional Mixed Use (M-2) District		
F	Corner Side Yard (min.)	15 feet
Building Requirements		
G	Building Height (max.)	80 feet
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3 – Uses		
Chapter 4 – Development Standards		

D. Special Regulations

1. Any building greater than eighty (80) feet tall may be considered, and require CUP approval unless modified per Section 2.4.1.
2. Canopies, awnings, galleries, and balconies may encroach over setback areas if the vertical clearance is a minimum of eight (8) feet from the finished sidewalk elevation.
3. No encroachment shall be located over on-street parking, a street, or over a side or rear property line.
4. Residential dwelling units are limited to no more than fifty percent (50%) of the development’s cumulative building square footage on the ground floor within the Regional Mixed Use (M-2) District.

Section 2.3.3. City Core (C-C) District



A. Purpose

The purposes of the City Core (C-C) District are to:

1. Facilitate pedestrian-oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services;
2. Promote an efficient, compact, and walkable development pattern;
3. Encourage pedestrian activity while reducing the reliance on automobiles;
4. Allow development flexibility in land use and site design;
5. Effectively regulate downtown and uptown to create attractive and functional development outcomes as envisioned in the Comprehensive Plan's Downtown and Uptown Land Use Categories;
6. Revitalize the historic downtown and uptown area while preserving McAllen's history and heritage; and
7. Enhance the significance of the City's authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry.

B. Uses

See Table 3.1.3-2 and all applicable regulations in Chapter 3.

C. Dimensional Standards

Development in the City Core (C-C) District shall follow the standards in Table 2.3.3-1.

Table 2.3.3-1: C-C District Dimensional Standards

City Core (C-C) District		
	Subdistrict	
	Downtown (DT)	Uptown (UT)
Lot Requirements		

City Core (C-C) District			
		Subdistrict	
		Downtown (DT)	Uptown (UT)
A	Lot Width (min.)	N/A	50 feet
Setback Requirements			
B	Front Yard (min.)	0 feet	5 feet
C	Front Yard (max.)	15 feet	20 feet
D	Rear Yard (min.)	0 feet	5 feet
E	Side Yard (min.)	0 feet	5 feet
F	Corner Side Yard (min.)	5 feet	10 feet
Building Requirements			
G	Building Height (max.)	60 feet	35 feet
H	Frontage Buildout (min.)	60%	40%
Encroachments			
I	-	50% of the depth of the sidewalk or 8' (whichever is less)	35% of the depth of the sidewalk or 6' (whichever is less)
Additional Applicable Requirements within the Zoning Regulations			
Chapter 3 – Uses Chapter 4 – Development Standards			

D. Special Regulations

1. Canopies, awnings, galleries, and balconies may encroach over setback areas per the standards if the vertical clearance is a minimum of eight (8) feet from the finished sidewalk elevation.
2. No encroachment shall be located over on-street parking, a street, or over a side or rear property line.
3. Any building with a footprint greater than fifteen (15,000) square feet may be considered, and require CUP approval.
4. Any building greater than the required maximum building height may be considered, and require CUP approval unless modified per Section 2.4.1.

Section 2.3.4. Planned Unit Development (PUD) District

A. Purpose

The Planned Unit Development (PUD) district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this UDC is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and shall not be harmful to the City. A Planned Unit Development (PUD) district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions that shall allow development not otherwise permitted, procedures are established to prevent misuse of the increased flexibility.

B. Uses

Any use may be considered for approval.

C. Dimensional Standards

A PUD shall have a minimum area requirement of at least five (5) acres.

D. Special Regulations

Unless specifically modified by the PUD ordinance, the PUD shall comply with all standards established in Chapter 4 and any other relevant standards provided in this UDC.

Article 2.4. Overlay Districts

Section 2.4.1. Thoroughfare Overlay (T-O) District⁴

A. Purpose

The Thoroughfare Overlay (T-O) district is intended to allow for development design flexibility along the City's major thoroughfares by allowing height and setback modifications in exchange for development standards that supersede the UDC's minimum requirements.

B. Uses

These regulations apply to any nonprohibited use within the zoning district in which that use is located.

C. Special Regulations

A development may increase the maximum building height requirement as established below⁵:

1. Abutting IH-2: 40 feet.
2. Abutting US Highway 83: 25 feet.

Chapter 3. Uses

Article 3.1. Generally

Section 3.1.1. Purpose and Applicability

Table 3.1.3-2 below lists the uses permitted within all zoning districts. All uses are defined in Section 10.2.2 Approval of a use listed in this Article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this Article and approved under the appropriate process is prohibited.

Section 3.1.2. Organization

The uses allowed in each of the zoning districts established in Table 3.1.3-2 are defined as follows:

A. Table Symbology

Table 3.1.3-2 is arranged according to the following symbols established in Table 3.1.2-1.

Table 3.1.2-1: Use Table Symbology

Symbol	Meaning	Description
P	Permitted by Right	A "P" in a zoning district column indicates that a use is permitted by right, provided that it meets any applicable use-specific standards. These uses are subject to all other applicable regulations of this UDC.

⁴ This is a new overlay to consider. The City has a few tall buildings and this overlay accounts for those buildings where an increased height fits an area (i.e., a 10 story building along IH-2). We revised the nonresidential heights but do we want to take that further with any other streets?

⁵ This might be more clear with a map showing the streets/areas these regs could apply to

C	Conditional Use Permit Required	An “C” in a zoning district column indicates that a use requires conditional use review and approval by City Commission.
	Not Allowed	A blank cell in a zoning district column indicates that a use is not allowed as a primary use or conditional use in the zoning district.
--	Not Required	A “--” in a zoning district column indicates that a minimum parking ratio is not required for a particular use.

B. Standards Column

The "Standards" column provides a reference to associated standards for certain uses allowed by right and for conditional uses. Where a blank space is in the column, there is no associated standard. Where there is information in the column, there are associated standards.

C. Unlisted Uses

If a proposed use is not specifically listed in Table 3.1.3-2, the Director shall determine whether the use is allowed or not allowed. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in Table 3.1.3-2.

1. In making this determination, the Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.
2. The Director may also refer to empirical studies or generally accepted planning or engineering sources (e.g., American Planning Association’s publication, “A Planner’s Dictionary”) in making this determination.
3. Unauthorized if Prohibited
 - a. If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as an allowed, accessory, conditional, or temporary use, then the use is a prohibited use.
 - b. The Director’s determination may be appealed pursuant to Section 6.1.15.

Section 3.1.3. Use Table

A. Applicability

This Division shall follow the requirements established in Table 3.1.3-2.

B. Use-Specific Standards

Use-specific standards are established in the following sections as provided in Table 3.1.3-1.

Table 3.1.3-1: Use-Specific References

Reference	Description
Section 3.2.2	Residential Use-Specific Regulations
Section 3.2.3	Group Living/Lodging Use-Specific Regulations
Section 3.2.4	Automotive Use-Specific Regulations
Section 3.2.5	Commercial Use-Specific Regulations
Section 3.2.6	Recreation Use-Specific Regulations
Section 3.2.7	Industrial Use-Specific Regulations
Section 3.2.8	Infrastructure Use-Specific Regulations
Section 3.2.9	Agriculture Use-Specific Regulations

C. Accessory Uses

Accessory Uses standards are established in Article 3.3.

D. Temporary Uses

Temporary Uses standards are established in Article 3.4.

Table 3.1.3-2: Use Table

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Residential															
Industrialized Home (Modular Home)	P			P										Section 3.2.2.A	2/DU
Live-Work				P					P	P	P	P		Section 3.2.2.B	
Manufactured Home	P			P											
Mobile Home	P														
Multi-Family Dwelling (Apartment)				P					P	P				Section 3.2.2.C	
Townhouse			P	P					P	P		P		Section 3.2.2.D	
Detached Single-Family Dwelling		P	P									P			
Duplex			P	P									P		
Triplex			P	P									P		
Fourplex			P	P					P	P		P			
Courtyard Apartment			P	P											
Bungalow Court			P	P											
Multiplex				P						P		P			
Lodging / Group Living															
Bed and Breakfast Facility	C	C	C	C										Section 3.2.3.A	1 + 1/guestroom
Boarding / Rooming House				P					P	P				Section 3.2.3.B	
Dormitory				P					C	C					
Hotel/Motel					C	P			P	P	C	C			
Automotive															

Chapter 3. Uses

Article 3.1. Generally

City of McAllen

Unified Development Code

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios		
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C				
												DT			UT	
Auto Dealership						P	P							Section 3.2.4.A	1/500 SF Showroom/Waiting /Office Area 1/4,000 SF Storage/Display Area 3/ bay	
Auto Parts Sales						P	P									
Heavy Auto Repair							P	P						Section 3.2.4.B		
Light Auto Repair						C	P	P			C			Section 3.2.4.C		
Car Wash						C	P	P			C			Section 3.2.4.D		
Service Station							P	P	P		P			Section 3.2.4.E		
Truck Sales								C	P							
Truck Stop and Repair							C	C	P							
Commercial																
Sexually Oriented Business								C	P					Section 3.2.5.A	1/500 SF	
Artist Studio						P				P	P	P	P			
Bar (51% sales from alcohol)						C	P			P	P	P	P	Section 3.2.5.B		
Bar (75% sales from alcohol)						C	C			C	C	C	C	Section 3.2.5.B		
Brewpub						C	P	P		C	P	P	C			
Building, Materials, and Landscaping Store							P	P								
Indoor Commercial Amusement							P	P			P	C	C			
Outdoor Commercial Amusement							P				C					
Convenience Store						P	P			P	P	P	P	Section 3.2.5.C		
Feed and Farm Supply	P						P	P								
Financial Institution						P	P			P	P	P	P			
Food Preparation and Sales						P	P	P		P	P	P	P			1/200 SF
Food Truck Park						C	P				P	C	P	Section 3.2.5.D		

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Greenhouse or Nursery	P						P	P							1/500 SF
Grocery Store						P	P			P	P			Section 3.2.5.E	
Heavy Equipment Sales and Rental							C	P	P						
Kennel	P					P	P			P	P				
Mixed-Use Development						P	P			P	P	P	P	Section 3.2.5.F	
Nightclub							C				C	P	C	1/200 SF	
Office						P	P	P		P	P	P	P	1/500 SF	
Pawn Shop / Pay Day Loans						C	P			C	C	C			
Personal Services						P	P			P	P	P	P		
Portable Building Sales									P						
Postal Services						P	P	P		P	P	P	P		
Print Shop							P	P			P				
Restaurant						P	P			P	P	P	P	Section 3.2.5.G	1/200 SF
Retail Store						P	P	P		P	P	P	P	1/500 SF	
Radio / Television Studio						C	P			C	C	P			
Taxidermist	P						P	P							
Theater							P				P	C		1/4 Fixed Seats 1/100 SF for unfixed seating	
Veterinarian Facility	C					P	P			P	P			Section 3.2.5.H	1/500 SF
Recreation															
Amphitheater		C	C				C				C			1/4 Fixed Seats 1/2,500 SF Outdoor Activity Space	
Athletic Field	C	C	C	C	P	P	P			C	C		C	1/2,500 SF Outdoor Activity Space	
Public Community Center		P	P	P	P					P	P	P	P	1/500 SF Indoor Space	
Private Community Center		P	P	P										1/2,500 SF Outdoor Activity Space	

Chapter 3. Uses

Article 3.1. Generally

City of McAllen

Unified Development Code

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Country Club	C	C	C											1/500 SF Indoor Space 3/golf hole	
Health Club					P	P	P		P	P			P	1/500 SF	
Race Track	C					C								1/2,500 SF Outdoor Activity Space	
Sport Shooting Range						C	P							Section 3.2.6.A 1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space	
Park	P	P	P	P	P	P	P		P	P	P	P		2/acre	
Swimming Pool		P	P	P										1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space	
Public / Institutional															
Cemetery	P				P									2/acre	
Civic Center				P	P	P			P	P	P	P		1/500 SF Indoor Space	
Civic Club or Lodge					P	P			P	P	P	P		1/2,500 SF Outdoor Activity Space	
College or University						C				C				Approval by Director	
Correctional Facility	C													1/1,000 SF	
Fairgrounds	C					C								1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space	
Public Library, Museum, or Art Gallery		C	C	C	P	P			P	P	P	P		1/1,000 SF GFA	
Religious Land Use	P	P	P	P	P	P	P	P	P	P	P	P		1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space	
School		P	P	P	P				P	P			P	Elementary/Middle School: 2/1 classroom High School: 4/1 classroom	
Technical School						P	P			P				1/1,000 SF	

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Industrial															
Brewery / Distillery							P	P						1/1,000 SF	
Commercial Cleaning Facility								P							
Commercial Kitchen						C	P								
Contractor's Shop and Storage Yard							P	P							
Heavy Industrial and Manufacturing								C							
Light Industrial and Manufacturing							P								
Industrial Park							P	P							
Microbrewery							P	P	P	P	P	P			
Research and Development							P	P		C					
Salvage Yard							C	P						Section 3.2.7.A	
Self-Storage (Mini-Warehouse)							P	P		C				Section 3.2.7.B	
Warehouse, Distribution, and Wholesale							P	P							
Wholesale Showroom Facility							P								
Caretaking Services															
Adult Day Services					P	P			P	P		P		1/500 SF	
Assisted Living Facility			P		P				P	P					
Chemical Dependency Facility					C	P									
Child Care Facility, Children's Home	P	P	P	P											
Child Care Facility, Daycare					P	P			P	P		P			
Child Care Home (≤ 6 Children)		P	P						P						
Child Care Home (≥ 7 Children)			P	P					P	P					

Chapter 3. Uses

Article 3.1. Generally

City of McAllen

Unified Development Code

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Clinic						P				P					1/500 SF
Community Home for Persons with Disabilities			P	P											1/1,000 SF
Funeral Services					P	P									2/acre + 1/500 SF Indoor Space
Halfway House			P	P											1/1,000 SF
Medical Care Facility						P				P					1/500 SF
Transportation															
Airport	C														N/A
Bus Terminal						P	P			P					
Parking Facility						C				C	C	C			
Railroad Station									C	C	C	C			
Railroad Team Track and Right-of-Way							P	P							
Transit Station						P	P	P	P	P	P	P			
Truck or Motor Freight Terminal								P							
Infrastructure															
Electrical Substation	P	C	C	C	C	C	P								1/1,000 SF
Gas Metering Station	P	C	C	C	C	C	C	P							
Governmental Service Yard	P						P	P							
Power Plant								C							
Eligible Facility	C	C	C	C	C	C	C	C	C	C	C	C		Section 3.2.8.A	
Recycling Facility							C	P						Section 3.2.8.B	
Solid Waste Facility								C						Section 3.2.8.C	
Solid Waste Transfer Station							C	P							
Telephone Exchange							P	P							
Utility Shop							P	P							
Agriculture															
Agriculture	P														N/A

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT	UT		
Agritainment	C													Section 3.2.9.A	
Feedlot	P														
Commercial Stable	P														
Accessory Uses															
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P		N/A
Accessory Dwelling Unit	P	P	P	P					P	P			P	Section 3.3.5.A	1/DU
Barndominium	P														
Carport		P	P	P											N/A (refer to primary use)
Donation and Collection Bin					P	P	P	P	P	P				Section 3.3.5.B	
Fuel Pump	P				P	P	P	P	P	P			P	Section 3.3.5.C	
Home Occupation	P	P	P	P					P	P	P	P		Section 3.3.5.D	
Garage		P	P	P					P	P			P		
Outdoor Dining					P	P			P	P	P	P			
Retail Ice and Dispensed Water Sales					P	P	P		P	P			P		
Outdoor Display	P					P	P	P	P	P	P	P		Section 3.3.5.E	
Outdoor Storage	P						P	P						Section 3.3.5.F	
Private Stable	P														
Private Swimming Pool	P	P	P	P					P	P	P	P			
Service Bay	P				P	P	P	P	P	P				Section 3.3.5.G	
Transit Stop	P	P	P	P	P	P	P	P	P	P	P	P			
Wind Energy Conversion Systems	P	P	P	P	P	P	P	P	P	P	P	P		Section 3.3.5.H	
Temporary Uses															
Batching Plant	P	P	P	P	P	P	P	P	P	P	P	P	P		N/A
Construction Yard	P	P	P	P	P	P	P	P	P	P	P	P	P		
Field or Sales Office	P	P	P	P	P	P	P	P	P	P	P	P	P		
Flea Market	P					P				P					1/500 SF

Key P = Allowed C = Conditional Use	Base Zoning Districts ↓								Special Zoning Districts ↓				Use-Specific Standards	Minimum Parking Ratios	
	Land Use ↓	A-O	R-1	R-2	R-3	C-1	C-2	I-1	I-2	M-1	M-2	C-C			
												DT			UT
Itinerant Vendor					P	P	P			P	P	P	P	Section 3.4.4.A	N/A
Mobile Food Vendor					P	P	P			P	P	P	P	Section 3.4.4.B	
Pop-Up Market Vendor						P	P				P	P			
Seasonal Roadside Stand	P				P	P									

Article 3.2. Use-Specific Regulations

Section 3.2.1. Purpose

The purpose of use-specific regulations is to further regulate land uses that may create adverse development impacts.

Section 3.2.2. Residential Use-Specific Regulations

A. Industrialized Home (Modular Home)

1. An Industrialized Home (Modular Home) meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
2. An Industrialized Home (Modular Home) conforms to all applicable zoning regulations for its respective zoning district.
3. An Industrialized Home (Modular Home) has a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the dwelling is proposed to be located, as determined by the most recent County certified tax appraisal roll.
4. An Industrialized Home (Modular Home) has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the dwelling is proposed to be located.
5. An Industrialized Home (Modular Home) complies with municipal aesthetic standards, setbacks, subdivision control, landscaping, square footage, and other site requirements applicable to single-family dwellings.
6. An Industrialized Home (Modular Home) is securely fixed to a permanent foundation.
7. An Industrialized Home (Modular Home) is set on a solid slab structure and/or 18- to 20-inch runners.

B. Live-Work Unit

1. The ground or first floor of a Live-Work Unit is reserved for commercial uses, like retail and office uses.
2. One story Live-Work units are allowed but the required commercial uses must occur in the front of the unit. The residential space shall be located in the rear of the unit.

C. Multi-Family Dwelling (Apartment)

1. A Multi-Family Dwelling (Apartment) shall comply with the regulations established in Section 4.3.4.

D. Townhouse

1. No Townhouse shall exceed eight (8) units from end unit to end unit⁶.
2. All parking shall occur on the public right-of-way or shall provide rear entry parking garages where alley access exists.

Section 3.2.3. Group Living/Lodging Use-Specific Regulations

A. Bed and Breakfast Facility

1. A Bed and Breakfast Facility is owner-occupied and managed at all times.
2. The maximum number of rented bedrooms is five (5).
3. No cooking facilities are allowed in any of the bedrooms.
4. A Bed and Breakfast Facility shall meet all of the minimum requirements of the City-County Health Department and shall conform in all respects to the requirements of the fire code, building code, electrical code and plumbing code.
5. A Bed and Breakfast Facility is responsible for the collection of the City hotel/motel tax.
6. All City-County Health Officers, Building Inspectors, the Fire Marshal and their assistants and other code enforcement officials of the City shall have the right to go on any premises of a Bed and Breakfast Facility during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the City.

B. Boarding/Rooming House

1. No more than twelve (12) occupants (including any resident staff and family) shall occupy any Boarding/Rooming House at one time.
2. The maximum length of stay for any guest is fourteen (14) consecutive days in any one calendar month.
3. No meals shall be provided for guests on the premises.
4. A Boarding/Rooming House shall not be located within one thousand (1,000) feet of any other Boarding/Rooming House.

Section 3.2.4. Automotive Use-Specific Regulations

A. Auto Dealership

1. An Auto Dealership shall not be located within one hundred fifty (150) feet of any residential district.
2. An Auto Dealership shall not be located within three hundred (300) feet of any other Auto Dealership.
3. Inventory spaces shall not count towards the minimum parking requirements.

B. Heavy Auto Repair

1. All Heavy Auto Repair activities shall take place within an enclosed space.

⁶ This means that any townhouse structure shall not exceed eight (8) attached dwelling units. Each dwelling unit is designed for single-family occupancy on separate platted lots.

2. A Heavy Auto Repair facility shall be located one hundred fifty (150) feet from any residential district or school use.
- C. Light Auto Repair
 1. All Light Auto Repair activities shall take place within an enclosed space.
 2. A Light Auto Repair facility shall be located one hundred fifty (150) feet from any residential district or school use.
- D. Car Wash
 1. Local Commercial (C-1) District
 - a. A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.
 - b. A Car Wash shall not be located within five hundred (500) feet of any other Car Wash.
 - c. A Car Wash shall be closed for business between the hours of 10:00 PM and 7:00 AM.
 - d. A Car Wash shall only be self-service.
 - e. All bays and overhead doors shall be oriented away from any residential district.
 2. All Other Zoning Districts
 - a. A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.
 - b. All bays and overhead doors shall be oriented away from any residential district.
 - c. A Car Wash shall not be located within one thousand (1,000) feet of any other Car Wash.
- E. Service Station
 1. A Service Station shall not be located within one hundred (100) feet of any residential district.
 2. A Service Station including fuel pumps shall meet the following requirements and those regulations established in Section 3.3.5.
 3. Any fuel pump island or other structure shall meet the zoning district's applicable minimum setbacks.
 4. Overhead canopies or weather protection structures shall be set back a minimum of ten (10) feet from adjacent property lines or street and highway right-of-way lines.

Section 3.2.5. Commercial Use-Specific Regulations

- A. Sexually Oriented Business
 1. A Sexually Oriented Business shall meet the requirements established in *Chapter 54, Article VI – Sexually Oriented Business Regulation*.
- B. Bar (51% sales from alcohol)
 1. No Bar shall be located is within three hundred (300) feet of a religious land use, school, or medical care facility except as provided by the Texas Alcoholic Beverage Code.
- C. Convenience Store
 1. A Convenience Store including fuel pumps shall meet the following requirements and those regulations established in Section 3.3.5.
 2. Any fuel pump island or other structure shall meet the zoning district's applicable minimum setbacks.

3. Overhead canopies or weather protection structures shall be set back a minimum of ten (10) feet from adjacent property lines or street and highway right-of-way lines.

D. Food Truck Park

1. Only mobile food vendors that hold a valid permit from the City may be located at a Food Truck Park.
2. A Food Truck Park shall not operate within any residential zoning district unless otherwise approved in writing by the Health Director.
3. Each mobile food vendor operating within a Food Truck Park must comply with all of the requirements of mobile food vendors contained in [Sec. 54-51 of the Code of Ordinances](#).
4. A Food Truck Park shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
5. A Food Truck Park shall provide access to a restroom on or within six hundred (600) feet of the property lines of the tract of land on which it is situated.
6. A Food Truck Park shall provide one garbage receptacle, to hold a minimum of thirteen (13) gallons, per vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor.
7. A Food Truck Park shall not be placed or parked on unimproved surfaces.
8. Adequate lighting, as determined by the Health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the Food Truck Park.
9. A Food Truck Park shall provide on-premises parking areas sufficient to accommodate staffing needs and seating areas.
10. An application for a Food Truck Park shall provide the following:
 - a. The name, address, phone number and email address of a contact person who shall be available 24 hours per day, seven days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court and taking remedial action to resolve any such complaints.
 - b. A site plan showing:
 - (i) The land area included within the site, the zoning classification of adjacent sites, and all public and private rights-of-way and easements bounding and intersecting the site;
 - (ii) A legal description of the platted lots of the proposed site and the boundaries thereof;
 - (iii) The location of each proposed permanent structure on the site and pads/proposed locations for mobile vending units, and identification of any proposed outdoor entertainment locations;
 - (iv) The location of fire hydrants;
 - (v) The dimensions and capacities of parking areas and loading areas;
 - (vi) Landscaping of all street frontages;
 - (vii) All pedestrian walks, patios and open areas for use by tenants or the public;
 - (viii) The location, size, and height of all lighting and signs;
 - (ix) Location and number of provided seating and eating areas, including number of fixed seats and tables; and
 - (x) Location, height, separation of buildings, including location of restrooms, and open space.
 - c. A paid application and registration fee of \$300.00.

- E. Grocery Store
 - 1. Local Commercial (C-1) District
 - a. The maximum size of a Grocery Store is fifteen thousand (15,000) square feet.
 - b. Drive thrus are prohibited..
- F. Mixed-Use Development
 - 1. No more than fifty percent (50%) of the Mixed-Use Development cumulative building square footage shall consist of dwelling units on the ground floor.
 - 2. At least twenty-five percent (25%) of the Mixed-Use Development shall consist of retail, restaurant, or office uses.
 - 3. A Mixed-Use Development comply with the regulations established in Article IV, Division 3.
- G. Restaurant
 - 1. Local Commercial (C-1) and Local Mixed Use (M-1) Districts
 - a. A Restaurant with a drive thru is only allowed by CUP.
 - b. Drive thrus with individual service speakers shall not be permitted within one hundred fifty (150) feet of any residential district unless the speaker is appropriately screened by a sound abatement system.
 - c. Stacking spaces shall be provided within a stacking lane to access the drive thru.
 - d. An additional lane (escape lane) shall be provided to provide access around the drive thru facility. An escape lane may be part of a circulation aisle.
 - e. The minimum stacking lane for the first vehicle stop shall be one hundred (100) feet and forty (40) feet thereafter for any other stops. An escape lane shall be provided parallel to the drive thru lane from the beginning of the drive thru lane to the pick-up window.
 - f. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
 - 2. Regional Commercial (C-2) District
 - a. Drive Thrus
 - (i) Drive thrus are allowed.
 - (ii) Drive thrus with individual service speakers shall not be permitted within one hundred fifty (150) feet of any residential district unless the speaker is appropriately screened by a sound abatement system.
 - (iii) Stacking spaces shall be provided within a stacking lane to access the drive thru.
 - (iv) An additional lane (escape lane) shall be provided to provide access around the drive thru facility. An escape lane may be part of a circulation aisle.
 - (v) The minimum stacking lane for the first vehicle stop shall be one hundred (100) feet and forty (40) feet thereafter for any other stops. An escape lane shall be provided parallel to the drive thru lane from the beginning of the drive thru lane to the pick-up window.
 - b. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
 - 3. City Core (C-C) District

- a. No drive thrus are allowed.
 - b. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.
- H. Veterinarian Facility
- 1. Local Commercial (C-1) District.
 - a. A Veterinarian Facility shall not be located within one hundred (100) feet of any residential district.
 - b. No outside runs are allowed.
 - 2. All Other Zoning Districts.
 - a. A Veterinarian Facility shall not be located within two hundred fifty (250) feet of any residential district.
 - b. Outside runs are allowed.
 - c. Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
 - d. At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

Section 3.2.6. Recreation Use-Specific Regulations

- A. Sport Shooting Range
- 1. A Sport Shooting Range shall only be allowed in an enclosed building.
 - 2. A Sport Shooting Range must be located at least:
 - a. One thousand (1,000) feet from any Public/Institutional use.
 - b. One thousand (1,000) feet from any residential use.
 - 3. Firearm shooting lanes must be designed in an orientation where projectiles are fired away from public roadways.
 - 4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
 - 5. A Sport Shooting Range shall meet all Federal and State regulations regulating firearms and any associated facilities.

Section 3.2.7. Industrial Use-Specific Regulations

- A. Salvage Yard
- 1. A Salvage Yard shall be located at least one thousand (1,000) feet from any residential use or district.
 - 2. No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation.
 - 3. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
 - 4. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 7:00 a.m. and 9:00 p.m.
 - 5. Screening shall be provided for all disabled or damaged vehicles, tools, and equipment.

6. Screening for disabled or damaged vehicles, tools, and equipment shall be constructed from concrete or masonry and be at least six (6) feet tall.
 7. No screening wall shall exceed twelve (12) feet tall.
 8. In no instance shall any disabled or damaged vehicles, tools, or equipment be stacked higher than the required concrete or masonry screening wall.
- B. Self-Storage (Mini-Warehouse)
1. Access
 - a. The Self-Storage (Mini-Warehouse) shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
 - b. A Self-Storage (Mini-Warehouse) shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
 2. Storage
 - a. A Self-Storage (Mini-Warehouse) unit shall not be used for the storage of explosives, ammunition, hazardous, or flammable materials.
 - b. Self-Storage (Mini-Warehouse) units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.
 - c. No outdoor storage is permitted in the M-2 zoning district.
 - d. Outdoor storage may be allowed within the C-2 and I-1 zoning district in approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure and in operable condition. The storage of inoperable vehicles and recreational equipment shall constitute as junk and shall not be allowed in a Self-Storage (Mini-Warehouse) facility.
 3. Accessory Office
 - a. The Self-Storage (Mini-Warehouse) may include an accessory on-site office.
 - b. An office shall not exceed more than five thousand (5,000) square feet.

Section 3.2.8. Infrastructure Use-Specific Regulations

A. Eligible Facility

These definitions and related Section 6409 procedures only apply to the City to the extent the FCC's Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd 12865 (2014), ("2014 Infrastructure Order") preempts existing City procedures and to the extent the 2014 Infrastructure Order is effective as federal law.⁷

⁷ **Note**— The 2014 Infrastructure Order rules are effective April 8, 2015, except following portions of the Section 6409, (a) FCC rules requiring Office of Management and Budget (OMB) approval before they are effective: 47 C.F.R. §§ 1.40001(c)(3)(i) [30-day time line from date of application filing for city to provide notice of incompleteness and request for supplemental information to toll the 60 days "shot clock"]; 1.40001(c)(3)(iii) [City ten-day review of supplemental information, and subsequent request to submit information to further toll the "shot clock"]; and 1.40001(c)(4) [60-day failure to act "deemed granted"]. The link to the FCC's OMB approval request is: FR Notice. As of April 16, 2015 there has not been a federal register FCC notice of OMB approval. Until there has been OMB

The City expressly reserves its rights to revise or repeal any or all of these definitions and related Section 6409 procedures to the extent the 2014 Infrastructure Order is interpreted, modified, revised or enjoined on any appeal or reconsideration in a manner inconsistent with the definitions in or procedure in this Subsection.

1. Eligible Facilities Request (Section 6409) Definitions

For the purposes of a personal wireless facilities siting permit under Section 6409(a),⁸ as interpreted by the Federal Communications Commission's ("FCC") in the 2014 Infrastructure Order, which is asserted to be a qualified application for a Section 6409 eligible facilities request⁹, the following defined terms shall be used:

a. Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in Subsection a.(i)., below or any equipment associated with a tower. Base station includes, without limitation:

- (i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
- (iii) Any structure other than a tower that, at the time the relevant application is filed with the City, supports or houses equipment described in Subsections a.(i). and a.(ii)., above, that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in Subsections a.(i). and a.(ii).

b. Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.¹⁰

c. Eligible Facilities Request

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) Collocation of new transmission equipment;

approval those identical requirements, deadlines to act, and procedural requirements or limitations, as they are set forth in this section 138-1.A., (b), are not effective.

⁸ **Note**— Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub. L. 96, [Feb. 22, 2012] ("Spectrum Act"), Section 6409 codified at 47 U.S.C. § 1455. ("Section 6409").

⁹ **Note**— Section 6409 eligible facility request means the applicant has met all the Section 6409(a) criteria, as set forth in the 2014 Infrastructure Order.

¹⁰ **Note**— The FCC has clarified that "collocation" includes the first placement of transmission equipment on a wireless tower or base station (as a base station, by definition, already has a wireless device on it). See 2014 Infrastructure Order ¶ 179.

- (ii) Removal of transmission equipment; or
- (iii) Replacement of transmission equipment.

d. Eligible Support Structure

Any tower or base station, as defined in these Section 6409 Definitions, provided that it is existing at the time the relevant application is filed with the City.

e. Existing

A constructed tower or base station is existing for purposes of Section 6409 if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of Section 6409.

f. Site

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

g. Substantial Change

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;¹¹
- (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) It entails any excavation or deployment outside the current site;
- (v) It would defeat the concealment elements of the eligible support structure; or

¹¹ **Note**— Changes in height should be measured from the original support structure in cases where deployments are or shall be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Feb. 22, 2012. 47 CFR § 1.40001(b)(7)(i)(A).

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in Subsection 1.g, above.

h. Transmission Equipment

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

i. Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

2. Eligible Facilities Request (Section 6409) Application Review¹²

a. Application

The City shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is a qualified eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

b. Type of Review

Upon receipt of self-described application for an eligible facilities request, the designated City department shall review such application to determine whether the application qualifies as a Section 6409 eligible facility request, in accordance with the 2014 Infrastructure Order.

c. Timeframe for Review

Within sixty (60) days of the date on which an applicant submits an application seeking approval, the City shall approve the application unless it determines that the application is not a qualified Section 6409 eligible facilities request.

d. Tolling of the Timeframe for Review

¹² **Note**— The 2014 Infrastructure Order rules are effective April 8, 2015, except following portions of the Section 6409, (a) FCC rules requiring Office of Management and Budget (OMB) approval before they are effective: 47 C.F.R. §§ 1.40001(c)(3)(i) [30-day time line from date of application filing for city to provide notice of incompleteness and request for supplemental information to toll the 60 days "shot clock"]; 1.40001(c)(3)(iii) [City ten-day review of supplemental information, and subsequent request to submit information to further toll the "shot clock"]; and 1.40001(c)(4) [60-day failure to act "deemed granted"]. The link to the FCC's OMB approval request is: FR Notice. As of April 16, 2015 there has not been a federal register FCC notice of OMB approval. Until there has been OMB approval those identical requirements, deadlines to act, and procedural requirements or limitations, as they are set forth in this section 138-1.A., (b), are not effective.

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City and the applicant, or in cases where the City determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- (i) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application.
- (ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
- (iii) Following a supplemental submission, the City shall notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection 2.d.(ii). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

e. Failure to Act

In the event the City fails to approve or deny a request seeking approval of an eligible facilities request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.¹³

f. Remedies

Applicants and the City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

g. Interaction with Section 332(c)(7)¹⁴

If the City determines that the applicant's request is not a Section 6409 eligible facilities request, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order,¹⁵ as interpreted by the 2014 Infrastructure Order,¹⁶ shall begin to run from the issuance of the City's decision that the application is not an eligible facilities request. To the extent such information is necessary, as determined by the City, the City may request additional information from the applicant

¹³ **Note**— If the city does not act on the application and the application is "deemed granted", that deemed grant shall not be construed to include any granted variance, or other previously or currently required zoning condition, except as to height, width, excavation and cabinets, but only to the extent allowed by the 2014 Infrastructure Order. The deemed grant shall not extend to any other required zoning requirement or constitute as city consent to waive any prior imposed conditions. The deemed grant shall not be deemed a waiver of any of the requirements for information required of owners of the property site in the application, as to either privately owned property or city owned public property or city controlled public property, as set forth in the application. The deemed grant shall not be deemed as consent or a grant or license by the city for the applicant to use or occupy any publicly owned or controlled public property, or as a waiver for the city to require consent or a grant or license by the city to use or occupy any publicly owned or controlled public property.

¹⁴ **Note**— 47 U.S.C. § 332(c)(7).

¹⁵ **Note**— In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, Declaratory Ruling, 24 FCC Rcd 13994 (2009) ("Shot Clock Ruling").

¹⁶ **Note**— Set out in 2014 Infrastructure Order ¶¶ 258—260.

to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.

3. Application for a Personal Wireless Service Facility

- a. The applicant for a personal wireless service facilities site shall complete the application, and any addendum to the application, provided by the planning and zoning department. The application must be completed for all personal wireless service facilities sites, both for those sites which require a conditional use permit and for those sites meet the then current zoning criteria.
- b. The application may be revised from time to time, as reasonably determined by the planning and zoning department to be consistent with state and federal law.¹⁷

4. Exemptions

These regulations do not apply to a building, other structure or land under the control, administration or jurisdiction of state or federal agencies.

B. Recycling Facility

1. A Recycling Facility shall comply with all applicable Hidalgo County, State of Texas, and Federal regulations and permit requirements prior to approval.
2. A Recycling Facility shall be located at least one thousand (1,000) feet from any residential use or district.
3. A Recycling Facility shall be located on at least ten (10) acres.

C. Solid Waste Facility

1. A Solid Waste Facility shall comply with all applicable Hidalgo County, State of Texas, and Federal regulations and permit requirements prior to approval.
2. A Solid Waste Facility shall be located at least one thousand (1,000) feet from any residential use or district.
3. A Solid Waste Facility shall be located on at least ten (10) acres.

Section 3.2.9. Agriculture Use-Specific Regulations

A. Agritainment

1. Noise shall not exceed seventy (70) decibels at the property boundaries.
2. An Agritainment use shall provide sanitary and waste services for participants and spectators.
3. An Agritainment use shall provide paved emergency medical services and fire lanes as part of the facility's operations.
4. The fire lane shall be at least twenty-eight (28) foot wide.

Article 3.3. Accessory Use Regulations

Section 3.3.1. Purpose

¹⁷ **Note**— 47 U.S.C. § 332(c)(7), imposes several restrictions on local authority concerning "the placement, construction and modification of personal wireless service facilities", while otherwise preserving municipal regulatory and zoning authority. Section 6409 also imposes certain restrictions on the city. The application assist the city in determining the applicability of 47 U.S.C. § 332(c) and Section 6409.

This division authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards established in this division. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this division.

Section 3.3.2. Approval Procedure**A. Generally**

Any of the accessory uses identified in this Article may be allowed as accessory to an authorized principal use provided that:

1. The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
2. The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this division.

B. Simultaneously with a Principal Use

Accessory uses or buildings may be reviewed as part of review of an associated principal use. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with an approved Conditional Use Permit.

C. Subsequent to a Principal Use

1. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.
2. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with the provisions in Chapter 6.

Section 3.3.3. Interpretation of Unidentified Accessory Uses

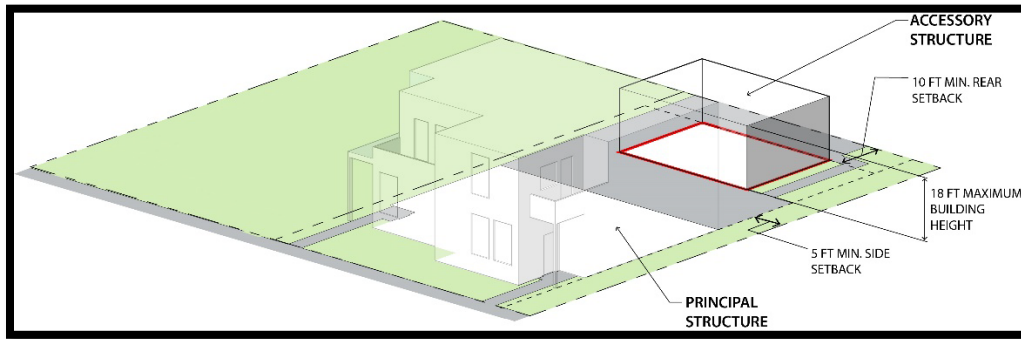
The Director shall evaluate applications for accessory uses that are not identified in this division on a case-by-case basis, based on the following standards:

- A. The definition of "accessory use" in Chapter 10, and the general accessory use standards and limitations established in this division;
- B. The purpose and intent of the base districts in which the accessory use is located;
- C. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
- D. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

Section 3.3.4. General Standards for all Accessory Uses

All accessory uses and buildings shall be subject to the general standards in this Section, as well as any applicable supplemental standards in Section 3.3.5 and all standards applicable to the associated principal use as set forth in Chapter 3.

Figure 3.3.4-1: Accessory Structure Dimensional Illustration



A. Size

All accessory uses shall:

1. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
2. Not violate the bulk, density, parking, landscaping, or open space standards of this UDC when taken together with the principal use or structure.
3. The floor area of any detached accessory building shall not exceed fifty percent (50%) of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located. The Director may authorize a building to exceed this percentage if the building is used as a guest house, or is used for animal production or crop production associated with an agricultural use.

B. Function

All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.

C. Timing

Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.

D. Height

Accessory buildings shall be limited to a maximum height of fifteen (15) feet unless exempted from the height requirements in this UDC. For accessory buildings located over detached garages, the maximum height shall be twenty-five (25) feet.

E. Location

1. Accessory uses or buildings shall be located on the same lot as the principal use or building.
2. Accessory buildings shall not be located within platted or recorded easements.
3. Accessory buildings shall be set back at least five (5) feet from any side and ten (10) feet from any rear property line.
4. The Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park.
5. Accessory buildings shall be set back at least five (5) feet from the principal use or building on all sides.

Section 3.3.5. Accessory Use-Specific Regulations

A. Accessory Dwelling Unit

1. A Detached Accessory Dwelling Unit shall only be located in the rear of a lot.
2. Only one Accessory Dwelling Unit is allowed on a lot.
3. An Accessory Dwelling Unit must comply with the required setbacks of the zoning district in which the unit is located.
4. An Accessory Dwelling Unit must comply with the zoning district’s height requirements.
5. An Accessory Dwelling Unit must not exceed the height of the primary dwelling.
6. An Accessory Dwelling Unit must connect utilities to those of the primary dwelling.
7. The property owner must occupy the principal dwelling or Accessory Dwelling Unit as the owner’s permanent residence.
8. An Accessory Dwelling Unit must comply with the requirements established in Table 3.3.5-1.

Table 3.3.5-1: ADU Requirement Matrix

ADU Requirement Matrix						
Primary Use on Lot	ADU Type Allowed			Minimum Lot Size (square feet)	Minimum ADU Size (square feet)	Maximum ADU Size (square feet)
	Detached	Attached				
		To Primary Dwelling	To Above Garage			
Detached Single-Family Dwelling	Yes	Yes	Yes	None	450	650 (for lots 5,000 s.f. or less) No maximum for lots greater than 6,500 s.f.
Townhouse	No	No	Yes	5,000	450	500
Duplex	Yes	No	Yes	9,000	450	900
Triplex	Yes	No	Yes	12,000	450	700
Fourplex	Yes	No	Yes	12,000	450	600
Multiplex	Yes	No	Yes	13,500	450	500

B. Donation and Collection Bin

1. A Donation and Collection Bin shall meet all required zoning district setbacks.
2. A Donation and Collection Bin may be located in parking spaces as long as the required parking minimums are met.
3. For any single Donation and Collection Bin, the maximum:
 - a. Size is forty (40) square feet.
 - b. Height is five (5) feet.
4. The maximum total for all Donation and Collection Bins on a lot is fifty (50) square feet.

C. Fuel Pumps

1. A fuel pump shall not be located within one hundred fifty (150) feet of a residential district.

D. Home Occupation

1. The use of the residential dwelling for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes and shall never exceed 40% of the total of the floor area of the residential dwelling.
2. The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
3. There shall be no mechanical equipment used or operations that create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the Home Occupation is located.
4. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products that are not artist's originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
5. There shall be no display of products produced by occupants of the dwelling that are visible in any manner from the outside of the dwelling unit.
6. The use shall not generate vehicular traffic beyond that which is normal in a residential district.
7. There shall be no storage of material, products, or supplies out of doors.
8. Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including no more than two (2) at any given time.

E. Outdoor Display

1. Outdoor Display shall be designated on an approved site plan.
2. Outdoor Display is limited to five percent (5%) of the total lot area or twenty percent (20%) of the primary building's gross floor area, whichever is more restrictive.
3. Outdoor Display shall be placed within ten (10) feet of the front facade of the primary building and shall not exceed four (4) feet in height.
4. If the items are placed on a sidewalk or other pedestrian area, a 6-foot wide pedestrian path must be maintained through and adjacent to the Outdoor Display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, easements, maneuvering aisles, customer pick-up lanes, and loading zones.
5. The temporary storage of merchandise for display and sale during a sidewalk sale shall not be prohibited. A 4-foot wide clearance shall be provided along the public sidewalk and a 6-foot clearance shall be provided on the sidewalk around the building.

F. Outdoor Storage

1. Outdoor Storage shall be designated on an approved site plan.
2. Outdoor Storage shall not be placed:
 - a. Within any required setbacks;
 - b. Within parking spaces, fire lanes, easements, maneuvering aisles, or loading areas;
 - c. On the roof of any structure;
 - d. To exceed the required screening height; and
 - e. At the front of any primary building.

3. Outdoor Storage is limited to five percent (5%) of the total lot area or twenty percent (20%) of the primary building's gross floor area, whichever is more restrictive.
4. Outdoor Storage items shall be stored on a paved surface, and associated access and maneuvering drives shall be constructed of a paved surface, except for in the A-O, I-1, and I-2 zoning districts where items, may be placed on a gravel, dirt, or grass surface or similar permeable surface.

G. Service Bays

1. All service bays within one hundred fifty (150) feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature that functions to screen at least to a height matching the height of the service bays.
2. Service bays shall orient away from street frontage.

H. Wind Energy Conversion Systems

1. Purpose

In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate private use wind energy conversion systems for the production of electricity for use on a lot.

2. Standards

All wind energy conversion systems are subject to and must comply with the following provisions:

a. Setbacks

Minimum setbacks for wind turbines shall be:

- (i) A minimum of 1.1 times the total extended height of the wind turbine – as measured from average ground level of the lot to the uppermost part of the wind turbine – from the project property lines.
- (ii) Guy wire anchors may not extend closer than ten (10) feet from any property line.

b. Number per Lot or Parcel

A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.

c. Height

Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems – as measured from average ground level of the lot to the uppermost part of the wind turbine – is thirty-five (35) feet on parcels less than five (5) acres exceed ten (10) feet above the roof ridge and in no case be higher than thirty-five (35) feet.

d. Lighting

Wind system towers shall not be artificially lighted unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

e. Access

All tower-mounted wind energy conversion systems must comply with the following provisions:

- (i) The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of twelve (12) feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and
- (ii) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

f. Rotor Safety

All wind turbines shall comply with the following rotor safety requirements.

- (i) Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut off switch shall be included with the installation.
- (ii) The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be ten (10) feet as measured at the lowest point of the arc of the blades.
- (iii) All blades of a wind turbine are required to be within a shroud.

g. Noise

All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.

- (i) No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of thirty-five (35) decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one (1) acre; or, a maximum of fifty (50) decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
- (ii) Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the building official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the building official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the building official shall allow operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by the Building Official, after a period established by the Building Official.

h. Aesthetics and Maintenance

(i) Appearance

Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the Building Official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted, using an approved color, within the period established by the building official, the owner shall remove the affected wind energy conversion system(s).

(ii) Electrical Wires

All electrical wires leading from the tower to electrical control facilities shall be located underground.

(iii) Maintenance

Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

i. Signs

Only one sign is allowed on the wind turbine and it shall not exceed one square foot in size.

j. Compliance with FAA Regulations

All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

k. Certified Safe

A Texas professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

3. Repair and Removal of Wind Turbines

- a. Any wind turbine found to be unsafe by the Building Official or fire department shall immediately cease operation upon notification by the Building Official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six (6) months. Wind turbines that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind turbine.
- b. When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.

4. Mounting of Wind Turbines

Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.

5. Compliance with Regulations

- a. All wind energy conversion systems shall comply with applicable fire codes and building codes.
- b. All standards and regulations under this subsection and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this Section, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

Article 3.4. Temporary Use Regulations

Section 3.4.1. Purpose

This division allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this division and are discontinued upon the expiration of a set time period.

Section 3.4.2. Approval Procedure

Any use listed in this Article may be permitted as a temporary use provided:

- A. Where indicated in Table 3.1.3-2; and
- B. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this division.

Section 3.4.3. General Standards for all Temporary Uses

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this UDC:

- A. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- B. The temporary use shall comply with all applicable general and specific regulations of this division, unless otherwise expressly stated.
- C. Permanent alterations to the site are prohibited.
- D. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- E. Temporary permits for construction yards, field offices, and batching plants and conditional use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Temporary permits for Itinerant Vendors and Seasonal Roadside Stands shall be issued for a period of time not to exceed forty-five (45) calendar days. Extensions may be granted by the City Commission. Upon due notice and hearing before the City Commission, any such permit may be revoked if the City Commission finds the use of the building or structure is contrary to the intent of this UDC or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.
- F. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
- G. The temporary use regulations of this division do not exempt the applicant or operator from any other required permits, such as health or building permits.
- H. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- I. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- J. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or Fire Marshal, including fire rating.
- K. Off-street parking shall be adequate to accommodate the proposed temporary use.

Section 3.4.4. Temporary Use-Specific Regulations

A. Itinerant Vendors

1. Itinerant Vendors shall comply with the regulations established in [Chapter 78](#) of the Code of Ordinances.

B. Mobile Food Vendor

1. Mobile Food Vendors shall comply with the regulations established in [Chapter 78](#) and [Sec. 54-51 of the Code of Ordinances](#).

C. Pop-Up Market

1. Pop-Up Market requires a special permit where it is unlawful to operate a pop-up market:
 - a. Without a valid pop-up market permit; or
 - b. In violation of any provision of a pop-up market permit, this article, or any other applicable city ordinance or other law.
2. A one-time permit fee shall be charged at the time of issuing the permit.
3. The permit fee amount shall be determined by the total number of vendors present at the pop-up market.
4. Permit fees are nonrefundable and shall be set by the City Commission.
5. A permit issued pursuant to this Subsection shall not be issued for more than one pop-up market per calendar month for each specific address listed.
6. A Pop-Up Market shall not operate after 9 PM nor shall any pop-up market operate for more than twelve (12) hours in any twenty-four (24) hour period.
7. If a proposed pop-up market location is within any multi-tenant plaza, then an applicant must first obtain written consent of approval from at least 75% of all owners of that plaza before a permit is issued.
8. While the main use of any designated plaza or location is open for business, not more than twenty-five percent (25%) of the total parking lot may be used for purposes of a pop-up market. At all other times, no more than one-third (33.3%) of the total parking lot may be used for purposes of a pop-up market.
9. All tents, stalls, and merchandise must be immediately removed from the property upon expiration of the pop-up market's permitted operating hours. at the end of the pop-up market designated time period.
10. Issuance of a permit under the provisions of this Subsection does not waive or satisfy the requirement to obtain any other permit, zoning, or other license that may be required under the McAllen Code of Ordinances or applicable federal and state laws or regulations.
11. The City Manager shall have the authority to immediately revoke or suspend a permit issued under this Subsection if:
 - a. The applicant or permit holder has violated or failed to meet any of the provisions of this article for issuance of the permit;
 - b. The applicant or permit holder has violated or failed to meet any of the conditions of the permit;
 - c. Any required licenses have been suspended, revoked, or canceled;
 - d. The permittee has violated any federal, state, or city law or regulation;
 - e. The chief of the police department or the chief of the fire department has determined that the pop-up market would pose a serious threat to the public health, safety, or welfare; or
 - f. The applicant has made a false statement of material fact on an application for a pop-up market permit.

Chapter 4. Development Standards

Article 4.1. Generally

Section 4.1.1. Purpose

This Article establishes uniform standards for the development and improvement of property throughout McAllen to ensure quality development that is consistent with the Comprehensive Plan.

Section 4.1.2. Organization

This Article is organized into the following divisions for each development standard as summarized in Table 4.1.2-1. Specific regulations and standards apply as provided in this Article.

Table 4.1.2-1: Development Standards Overview

Development Standard	Article Location	Overview
Dimensional Standards	Article 4.2	Addresses the various yards, setbacks, and dimensional requirements that apply to a lot or development
Site Design Requirements	Article 4.3	Provides a set of architectural design requirements to produce attractive development (these requirements are not applicable for single-family residential development)
Parking	Article 4.4	Provides for when parking is required and how a site manages parking accommodations
Loading	Article 4.5	Regulates when loading is required and how a site has to accommodate loading areas
Landscaping	Article 4.6	Regulates the necessary landscaping requirements to improve the development aesthetic and maintain the City's natural feel
Screening and Fencing	Article 4.7	Provides regulations where more intensive development needs to buffer from less intensive development. It also accounts for those instances where fencing may be applied to protect privacy
Outdoor Lighting	Article 4.8	Regulates site lighting to minimize light pollution while balancing the desire for safely lit properties
Refuse Containers and Enclosures	Article 4.9	Provides requirements for on-site trash and refuse facilities that improves the development aesthetic
Signs	Article 4.10	Regulates the various sign types and prescribes allowances based on zoning districts
Infill Development Standards	Article 4.11	Addresses instances where redevelopment is to occur on previously developed lots
Performance Standards	Article 4.12	Mitigates a development's potential to create public nuisances (smoke, odor, dust, noise, etc.)

Section 4.1.3. Applicability

This Article applies to all new development, expansions, and redevelopment within the corporate limits of McAllen unless otherwise specified. Each division in this Article establishes when and how a particular standard applies.

Article 4.2. Dimensional Standards

Section 4.2.1. Purpose

The purpose of this Division is to establish clear guidelines for measuring and applying required lots, yards, setbacks, height, and other dimensional features.

Section 4.2.2. Applicability

This Division applies to any lot, yard, setback, or height required by this UDC within the City’s corporate limits.

Section 4.2.3. Yards and Setbacks

A. Generally

1. The Planning and Zoning Commission shall have the authority to accept and approve any building setback lines established by a plat, even if such building setback lines may not be in compliance with the requirements set forth below.
2. Where setbacks have been established by an approved plat that deviates from the setback that is prescribed by this UDC, the required setback shall comply with the building setback line established by that plat.
3. The ordinary projections of sills, eaves, cornices and other architectural features may extend to a distance not to exceed twenty-four (24) inches into a required yard and shall not project over utility easements.
4. This UDC’s required yards and setbacks are summarized in Table 4.2.3-1: Yards and Setbacks Key, Figure 4.2.3-1: Yards and Setbacks Summary, and Figure 4.2.3-2: Yards and Setbacks Summary (Street Perspective).

Table 4.2.3-1: Yards and Setbacks Key

Symbol	Description
1	Front Yard
2	Rear Yard
3	Side Yard
4	Corner Side Yard
A	Front Yard Setback
B	Rear Yard Setback
C	Side Yard Setback
D	Corner Side Yard Setback

Figure 4.2.3-1: Yards and Setbacks Summary (Aerial Perspective)

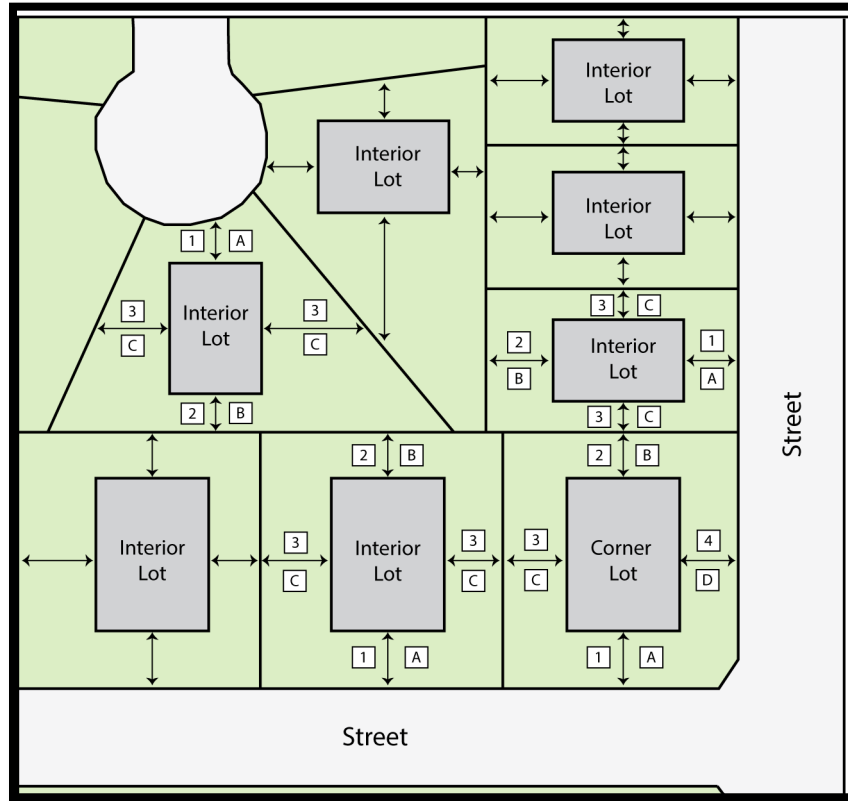
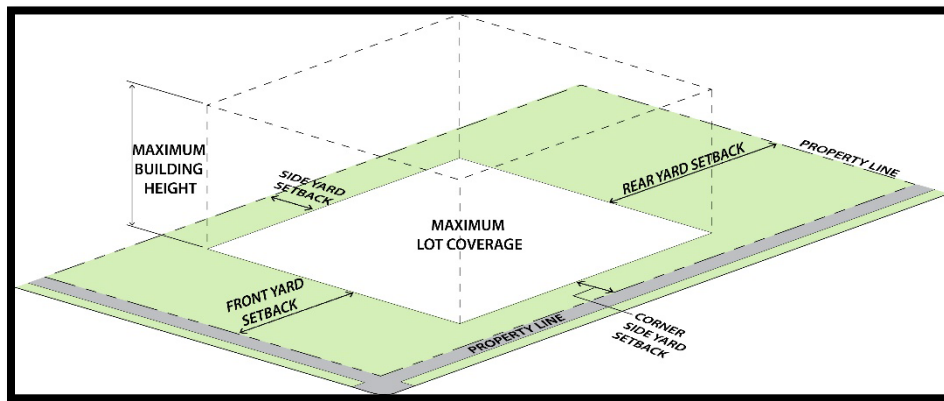


Figure 4.2.3-2: Yards and Setbacks Summary (Street Perspective)



B. Front Yards

1. A front yard is a yard extending across the front of a lot between the side property lines and being the minimum horizontal distance between the right-of-way line and wall of the main building.

2. The front yard shall be open and unobstructed from a point forty (40) inches above the general ground level of the graded lot. Eaves and roof extensions or a porch may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than forty (40) inches above the grade of the yard.

C. Side Yards

1. A side yard is a yard between the primary building and the adjacent side property line and extending entirely from a front yard to the rear yard.
2. Mechanical equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices may be installed in the side yard a maximum height of sixty (60) inches above the ground level of the graded lot.
3. Where a side property line divides a nonresidential district from a residential district, a minimum ten (10) foot side yard is required for the nonresidential lot side adjacent to that residential district.

D. Rear Yards

1. A rear yard is a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear property line and the rear of the main building.
2. Every part of a rear yard shall be open and unobstructed from a point forty (40) inches above the ground level of the graded lot, except for permitted accessory buildings and the ordinary projects stated above.

E. Corner Side Yards

1. On a corner lot, the street where the building's primary entrance is located, or designated to be located, is the front yard. Any streets perpendicular to the building's primary entrance are corner side yards.

Section 4.2.4. Building Height

A. Height Measurement

The vertical distance from the grade to the highest point of the coping of a flat roof, the declivity of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs.

B. In measuring the height of a building or structure, the following are excluded:

1. Chimneys;
2. Cooling towers;
3. Elevator bulkheads;
4. Mechanical rooms;
5. Tanks;
6. Water towers;
7. Radio towers;
8. Television antennas;
9. Ornamental cupolas, domes or spires; and
10. Parapet walls less than four (4) feet in height.

C. Heights authorized in this UDC are subordinate to those established in [Appendix A – Airport Zoning Regulations](#).

Section 4.2.5. Frontage Buildout

The frontage buildout is the required location where a building, or portion of a building must front. Frontage buildout is depicted in Figure¹⁸.

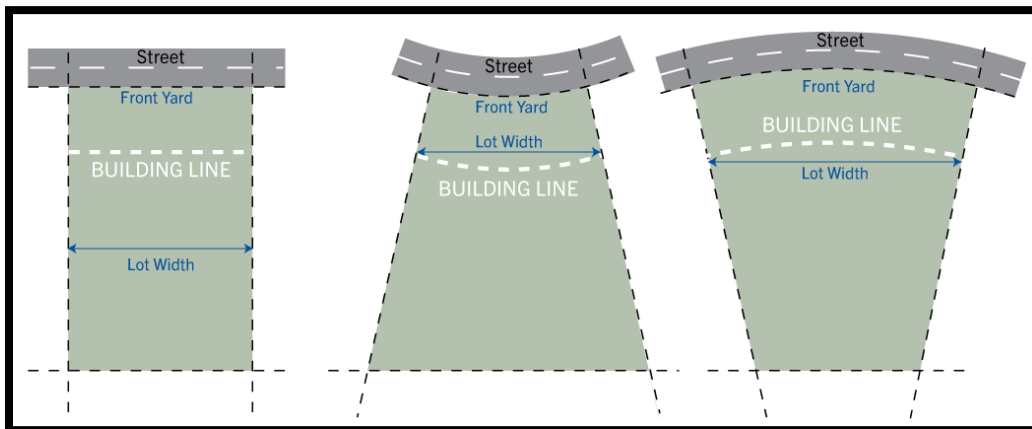
Section 4.2.6. Lot Area

- A. No lot shall be created or reduced in area, width, or depth below the minimum requirements established in Chapter 2.
- B. A lot that was legally created prior to the adoption of this UDC may be redeveloped, but any deviations from the dimensional standards other than minimum lot area shall require a Variance.
- C. The total space required for a lot is calculated by multiplying the lot’s depth by it’s width.

Section 4.2.7. Lot Width

- A. Lot width is the distance parallel to the front property line, measured at the front setback line.
- B. Lot width on a curving front line means the distance parallel to the tangent of the front property line at the building setback line.
- C. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
- D. Refer to Figure 4.2.7-1: Lot Width Summary to clarify lot width measurements.

Figure 4.2.7-1: Lot Width Summary



Section 4.2.8. Lot Coverage

Lot coverage is the percentage of the lot that is occupied by the ground area of a building and its accessory buildings.

Section 4.2.9. Sight Visibility Triangle

- A. Generally
 - 1. These provisions apply to all new development or proposed expansions into the sight visibility triangle. However, these provisions do not apply to or otherwise interfere with the: placement and maintenance of traffic control devices under governmental authority and control and public utilities; existing screening and fencing requirements; and existing and future City, state, and federal regulations.

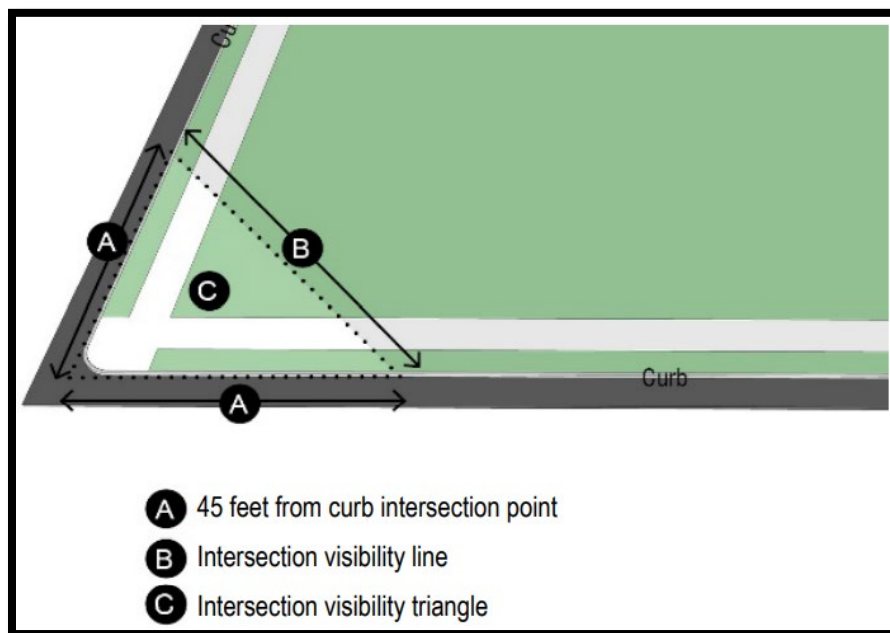
¹⁸ Figure pending

2. Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the sight visibility triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.
3. At intersections where streets do not intersect at or near right angles, the Director shall have the authority to increase the minimum sight distances required above as they deem necessary to provide safety for both vehicular and pedestrian traffic.

B. Arterials and Collector Intersections

At intersections where arterials and collectors intersect at or near right angles, the Sight Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, creating a triangle (see Figure 4.2.9-1: 45' Sight Visibility Triangle).

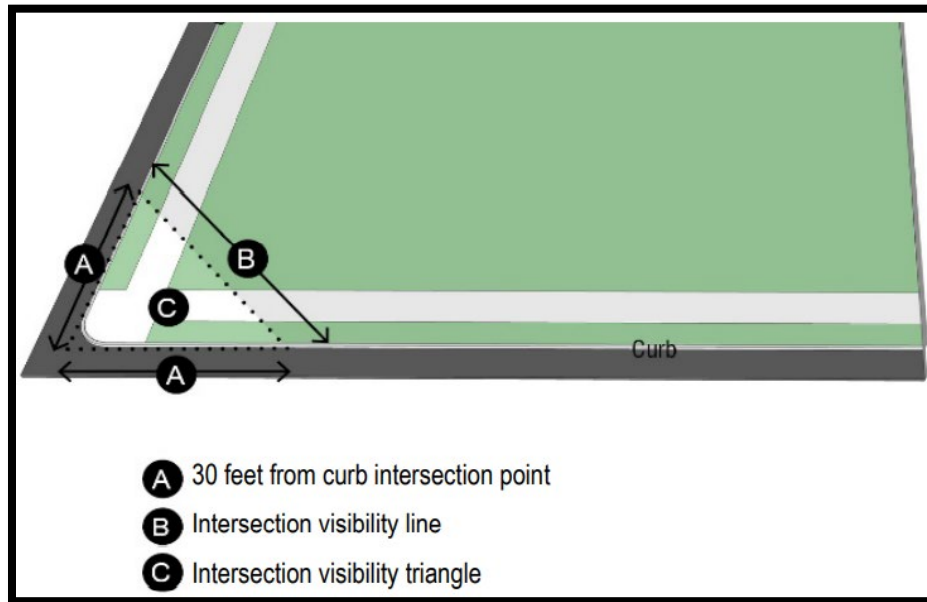
Figure 4.2.9-1: 45' Sight Visibility Triangle



C. Intersections at Local Streets

At all intersections where local streets intersect at or near right angles, the Sight Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, creating a triangle (see Figure 4.2.9-2: 30' Sight Visibility Triangle).

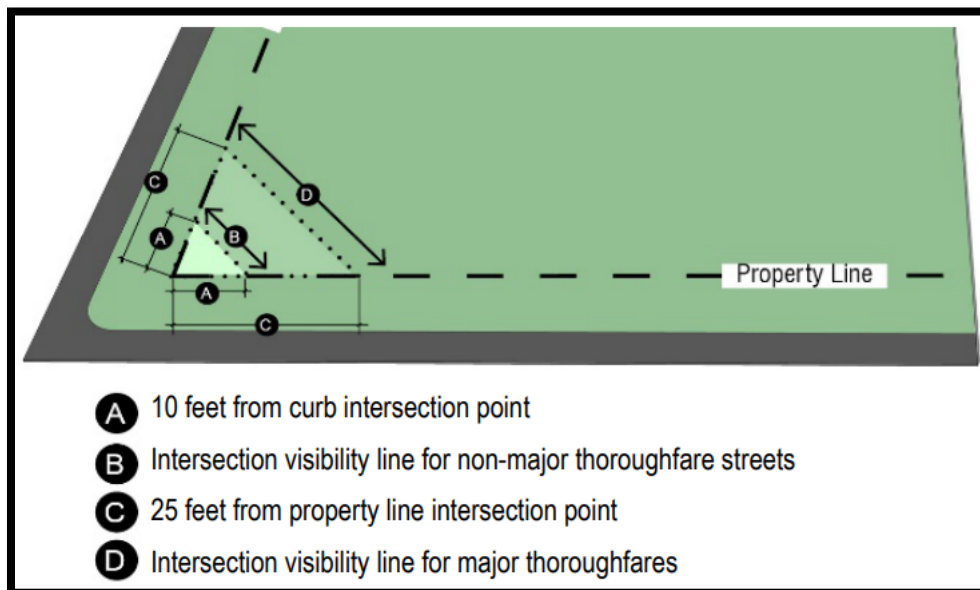
Figure 4.2.9-2: 30' Sight Visibility Triangle



D. No Curb Intersections

If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on arterials and collectors and ten (10) feet on local streets, and connecting these points with an imaginary line, creating a triangle (see Figure 4.2.9-3: Other Sight Visibility Triangles).

Figure 4.2.9-3: Other Sight Visibility Triangles



Article 4.3. Site Design Requirements

Section 4.3.1. Purpose

The purposes of this Division are to:

- A. Establish minimum standards for the appearance of development and corresponding architectural design and site elements that enhance property values, reflecting the interest of the City's general welfare;
- B. Promote variety, visual interest, and pedestrian-oriented streets in residential development;
- C. Encourage the design of a developed environment that is built to human scale;
- D. Ensure buildings are compatible with its surrounding area and contributes to the unique community character of McAllen; and
- E. Encourage high quality design supportive of the Comprehensive Plan vision, goals, objectives and recommendations by establishing a system to achieve greater regulatory flexibility for development through provision of certain desirable design and performance characteristics.

Section 4.3.2. Applicability

- A. Anyone using the provisions of this Division for regulatory flexibility does so voluntarily and in a binding manner. The City may require execution of agreements to document the use of these provisions and recording in the public records of the County.
- B. This Division applies to all development within the City's corporate limits.

Section 4.3.3. Single-Family and Duplex Design

- A. Establishment of Scoring System and Associated Regulatory Incentives
 1. Level 1 High-Quality Design

A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations applicable to the subject property:

 - a. The granting of an additional ten (10) feet of maximum height
 - b. The granting of an additional ten percent (10%) of building coverage
 - c. The granting of an additional ten percent (10%) impervious cover
 - d. The granting of a ten percent (10%) reduction in minimum lot size and a ten percent (10%) increase in maximum dwelling units per acre
 2. Level 2 High-Quality Design

A cumulative score of eighty (80) points, as described below, shall result in the following bonuses applicable to the subject property:

 - a. The granting of an additional twenty (20) feet of maximum height
 - b. The granting of an additional twenty percent (20%) of building coverage
 - c. The granting of an additional twenty percent (20%) of impervious cover
 - d. The granting of a twenty-five percent (25%) reduction in minimum lot size and a twenty-five percent (25%) increase in maximum dwelling units per acre.
- B. High-Quality Design Actions and Associated Scoring Values.

The following characteristics are determined to constitute evidence of high-quality design. The presence of each characteristic shall have an associated scoring value for the purposes of establishing whether a project achieves Level 1 or Level 2 High-Quality Design.

1. Use of Building Materials Reflective of the City's Geographic Context

A project may receive a maximum of twenty (20) points for the use of building materials reflective of the City's geographic context, as follows:

- a. Use of Building Materials, Class 1 and Building Materials, Class 2 on one hundred percent (100%) of the exterior façade: **fifteen (15) points**
- b. Use of Building Materials, Class 1 on one hundred percent (100%) of the exterior façade: **twenty (20) points**

2. Maintaining and Enhancing the Natural Environment

A project may receive a maximum of twenty (20) points for maintaining and enhancing the natural environment, as follows:

- a. Preserving at least thirty-five percent (35%) of the subject property unaltered in its natural state: **ten (10) points**
- b. Certification of at least fifty percent (50%) of the subject property as a certified Texas Wildscape, Monarch Waystation or similar third-party designation approved by the Planning Director as indicating consistency with City goals to encourage native and adaptive plants, discourage invasive and disease-prone plants, and support wildlife habitat: **ten (10) points**

3. Promotion of Conversation and Low-Impact Development Best Practices

A project may receive a maximum of thirty (30) points for development characteristics promoting conservation and low-impact development best practices, as follows:

- a. Incorporation of rainwater harvesting system capable of capturing a one (1) inch rainfall event for twenty-five percent (25%) of the roof area, with a minimum of one thousand (1,000) gallons: **fifteen (15) points**
- b. Incorporation of Low Impact Development (LID) stormwater management practices subject to the approval of the Planning Director and City Engineer: **fifteen (15) points**
- c. Use of improved permeable surface for at least fifty percent (50%) of paved areas of driveways, parking and sidewalks (excluding the building footprint) with performance characteristics indicating at least fifty percent (50%) of water infiltrates through the surface and requiring minimal maintenance intervention, subject to Planning Director and City Engineer approval: **fifteen (15) points**

4. Enhanced Building and Site Design Characteristics

A project may receive a maximum of thirty (30) points for certain building design characteristics, as follows:

- a. Use of clay tile, slate or metal roof materials for the entire roof surface: **ten (10) points**
- b. Use of a vegetative "green" roof for at least fifty percent (50%) of the entire roof surface (this may also count toward credit for the roof materials listed in ©, above, if project is seeking points for both): **twenty (20) points**
- c. Use of enhanced paving for all driveways, sidewalks and other paved surfaces, including but not limited to earth-tone colored concrete (stain integral; not applied afterward), stamped or patterned concrete, brick or paver units, exposed aggregate or improved permeable surface (excluding dirt, grass or gravel): **ten (10) points**

- d. Use of at least two (2) of the following element options: **ten (10) points**
 - (i) Front wall articulation to offset the floorplate every fifteen (15) feet along any front façade of the dwelling unit.
 - (ii) The garage be placed behind the rear building face.
 - (iii) A covered front porch or portico along at least fifty percent (50%) of the front façade, with a minimum depth of eight (8) feet.
 - (iv) The use of window and door enhancements on all facades visible from the street, including but not limited to transoms, bay windows, raised muntins on windows, shutters, or other similar enhancements.

Section 4.3.4. Multi-Family, Mixed-Use, and Nonresidential Design

A. Building Design and Orientation

1. All buildings shall be finished on all four sides with the same materials, detailing, and features and with a higher level of finish on the front facades (as set forth in the requirements below). The intent is not to limit materials but rather to ensure consistency in their use.
2. Any building visible from a public Right-of-Way shall either face such Right-of-Way or shall have a façade facing such Right-of-Way consistent with the character of the front façade.

B. Required Design Element Options

The following is a list of design elements that, based upon the size of a building (see 3 below), must be incorporated into a building's design:

1. Canopies, awnings or porticos;
2. Overhangs;
3. Recesses or projections;
4. Arcades;
5. Peaked roof forms;
6. Arches;
7. Outdoor patios;
8. Display windows;
9. Architectural details (e.g., tile work or moldings integrated into the building façade);
10. Integrated planters or wing walls that incorporate landscape and sitting areas;
11. Offsets, reveals, or projecting ribs used to express architectural or structural bays.

C. Minimum Use of Design Elements

A building's floor area shall determine the minimum number of required design elements implemented in its construction as set forth below:

1. A building square footage between 0 and 20,000 square feet shall have at least three (3) design elements listed in Subsection B above.
2. A building square footage between 20,001 and 50,000 square feet shall have at least five (5) design elements listed in Subsection B above, and shall be designed to appear as separate but attached buildings

through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

3. A building square footage exceeding 50,000 square feet shall have at least seven (7) design elements listed in Subsection B above, and shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

D. Front Façade Entry Requirements

1. A front façade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.
2. Entry design shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street and parking:
 - a. Architectural details such as arches, friezes, tile work, murals or moldings.
 - b. Integral planters or wing walls that incorporate landscape or seating.
 - c. Enhanced exterior light fixtures such as wall sconces, light covers with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - d. Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers or turrets.
 - e. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

E. Pedestrian Shelter

Facades shall provide shelter integrated into building form alongside at least twenty-five percent (25%) of all building frontages adjacent to or facing the principal street or adjacent parking with a maximum shelter height of fifteen (15) feet.

F. Building Articulation

Façade depth and height articulation shall be required on the front façade of a building, per the following:

1. Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length. Depth articulation applies only below the roofline.
2. Height articulation for flat roofs of at least five (5) feet shall be required for every fifty (50) feet of building façade length. Pitched roofs do not require height articulation.

G. Roof Design Standards

All structures shall be constructed with a pitched roof, flat roof (pitch less than or equal to 2:12) with a parapet, true mansard roof, or any combination thereof.

1. All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.
2. Roofs or stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, visible shall be defined as capable of being seen at a height of six (6) feet while standing at the highest grades on the property line.

H. Windows

1. Reflective glass shall not be permitted; glass shall not have solar reflectance that exceeds twenty percent (20%).

2. Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).
 3. Buildings shall provide glazing on a minimum of thirty-five percent (35%) of the ground floor front façade.
 4. Side elevations shall contain a minimum of ten percent (10%) glazing of the ground floor side façade.
 5. Windows shall be individually defined with detail elements such as frames, sills and lintels, and be placed to visually define the building stories.
- I. High-Quality Design Incentive
1. Establishment of Scoring System and Associated Regulatory Incentives
 - a. Level 1 High-Quality Design

A cumulative score of sixty (60) points, as described below, shall result in the following changes to development regulations in Chapter 2 applicable to the subject property:

 - (i) The granting of an additional ten (10) feet of maximum height
 - (ii) The granting of an additional ten percent (10%) of impervious cover
 - (iii) The granting of an additional ten percent (10%) of dwelling units per acre
 - b. Level 2 High-Quality Design

A cumulative score of eighty (80) points, as described below, shall result in the following changes to development regulations in Chapter 2 applicable to the subject property:

 - (i) The granting of an additional twenty (20) feet of maximum height
 - (ii) The granting of an additional twenty percent (20%) of impervious cover
 - (iii) The granting of an additional twenty percent (20%) of dwelling units per acre
 2. High-Quality Design Actions and Associated Scoring Values

The following characteristics are determined to constitute evidence of high-quality design. The presence of each characteristic shall have an associated scoring value for the purposes of establishing whether a project achieves Level 1 or Level 2 High-Quality Design.

 - a. Use of Building Materials Reflective of the City's Geographic Context

A project may receive a maximum of twenty (20) points for the use of building materials reflective of the City's geographic context, as follows:

 - (i) Use of context materials on eighty-five percent (85%) of the exterior façade: **fifteen (15) points**
 - (ii) Use of context materials on one hundred percent (100%) of the exterior façade: **twenty (20) points**
 - b. Maintaining and Enhancing the Natural Environment

A project may receive a maximum of thirty (30) points for maintaining and enhancing the natural environment, as follows:

 - (i) Altering the topography and elevation by no more than four (4) feet for at least eighty percent (80%) of the subject property, and preserving any natural channel or drainage way (including associated 100-year floodplain): **ten (10) points**
 - (ii) Preserving at least thirty-five percent (35%) of the subject property unaltered in its natural state: **ten (10) points**

- (iii) Certification of at least fifty percent (50%) of the subject property as a certified Texas Wildscape, Monarch Waystation or similar third-party designation approved by the Director as indicating consistency with City goals to encourage native and adaptive plants, discourage invasive and disease-prone plants, and support wildlife habitat: **ten (10) points**

3. Promotion of Conversation and Low-Impact Development Best Practices

A project may receive a maximum of thirty (30) points for development characteristics promoting conservation and low-impact development best practices, as follows:

- a. Incorporation of rainwater harvesting system capable of capturing a one (1) inch rainfall event for twenty-five percent (25%) of the roof area: **fifteen (15) points**
- b. Incorporation of Low Impact Development (LID) stormwater management practices subject to the approval of the Planning Director and City Engineer: **fifteen (15) points**
- c. Use of improved permeable surface for at least fifty percent (50%) of paved areas of driveways, parking and sidewalks (excluding the building footprint) with performance characteristics indicating at least fifty percent (50%) of water infiltrates through the surface and requiring minimal maintenance intervention, subject to the Planning Director and City Engineer approval: **fifteen (15) points**

4. Enhanced Building and Site Design Characteristics

A project may receive a maximum of 30 points for certain building design characteristics, as follows:

- a. Use of high-albedo roof materials to reduce height island effects, defined as use of roof products for at least seventy-five percent (75%) of the entire roof surface that reflect at least seventy-eight percent (78%) of sunlight (solar reflectivity index of 78) for roofs with a pitch less than or equal to 2:12 or twenty-nine percent (29%) of sunlight (solar reflectivity index of 29) for roofs with a pitch greater than 2:12: **ten (10) points**
- b. Use of a vegetative “green” roof to reduce heat island effects for at least fifty percent (50%) of the entire roof surface (this may also count toward credit for high-albedo roof materials if project is seeking points for both): **twenty (20) points**
- c. Placement of at least fifty percent (50%) of the parking to the side or rear of the main building: **ten (10) points**
- d. Increasing the glazing requirements for each façade by an additional twenty percent (20%): **ten (10) points**
- e. Use of at least five (5) of the following element options on the front and side façade: **fifteen (15) points** for forty percent (40%) of the front and side façade, or **twenty (20) points** for sixty percent (60%) of the front and side façade
 - (i) Canopies, awnings or porticos;
 - (ii) Overhangs;
 - (iii) Recesses or projections;
 - (iv) Arcades;
 - (v) Peaked roof forms;
 - (vi) Arches;
 - (vii) Outdoor patios;
 - (viii) Display windows;

- (ix) Architectural details (e.g., tile work or moldings integrated into the façade);
- (x) Integrated planters or wing walls that incorporate landscape and sitting areas;
- (xi) Offsets, reveals or projecting ribs used to express architectural or structural bays;
- (xii) Use of classic tripartite building design (e.g., a building design with a distinct base, middle and top similar to historic buildings found in small downtowns throughout Texas).

J. Minor Modification

The Director may approve elements not listed in this Division if an equal or greater level of design and quality is provided.

1. Design Element Options

- a. Alternatives to the design elements listed in Subsection e above.
- b. Alternatives shall produce a similar or greater level of architectural design than the elements listed in Subsection e above.

2. Building Articulation

Alternative articulation standards which differ from the requirements found in Subsection e above may be approved.

3. Glazing Alternatives

Walls that must be blank for security or other requirements shall be enhanced by the use of plant materials, artwork, canopies, special lighting, or a combination of façade articulation and material changes.

Article 4.4. Parking

Section 4.4.1. Purpose

The purposes of this Division are to:

- A. Ensure that adequate off-street parking is provided for new land uses and changes in use;
- B. Minimize the negative environmental and development design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;
- C. Establish standards and regulations for safe and well-designed parking and vehicle circulation areas that minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
- D. To regulate off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City;
- E. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations;
- F. Ensure compliance with provisions of the Americans with Disabilities Act (ADA);
- G. Minimize the visual impact of off-street parking areas; and
- H. Ensure that adequate off-street bicycle parking facilities are provided in walkable areas and promote parking that offers safe and attractive pedestrian routes.

Section 4.4.2. Applicability

- A. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use, must meet this Division’s parking requirements. These developments require permanent parking. Parking spaces may be provided in a garage or surfaced open area.
- B. When a change in intensity of use of any building or structure would increase the required parking by more than five (5) spaces or ten percent (10%), whichever is greater, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking is provided in accordance with this Division unless an adjustment is permitted in Section 4.4.5. If less than five (5) spaces or ten percent (10%), whichever is greater, are required by a change or series of changes in use, the Director may waive up to the incremental required number of parking spaces after determining that the granting of the waiver shall not be detrimental to the public welfare and shall be consistent with the Comprehensive Plan.

Section 4.4.3. Compliance Required

A. Off-Street Parking Review

Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of parking spaces, and the means of ingress and egress to those spaces. This information is in sufficient detail to determine the requirements of this UDC are met and shall contain necessary information required by applicable provisions of this UDC.

B. ADA Compliance

All ADA parking spaces and related ADA accessibility features are required to be installed in accordance with the current edition of the ADA Standards for Accessible Design (the “ADA Standards”) as published by the Department of Justice. Where discrepancies exist between this UDC and the ADA Standards, the ADA Standards shall apply. All required parking shall meet the ADA Standards.

C. Parking Reduction Procedures

No existing or proposed parking shall be reduced or eliminated unless otherwise specified. Reductions in parking spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

D. Off-Street Parking Requirements

Minimum off-street parking shall follow the requirements established in Table 3.1.3-2.

Section 4.4.4. Measurements and Interpretations

A. Generally

1. Square Footage (Floor Area)

The total or gross building square footage.

2. Fraction of a Space

When the calculation of the number of required parking spaces results in a requirement of a fractional space, any fraction is interpreted as one (1) whole parking space.

B. Parking Specific Metrics.

Table 4.4.4-1 summarizes the various parking metrics used to determine required parking.

Table 4.4.4-1: Parking Specific Metrics

Metric	Example	Interpretation
Square Footage	1/1,000 SF	1 parking space for each 1,000 square feet of the building's floor area
Dwelling Unit	1/DU	1 parking space for each dwelling unit
Bedroom(s)/Guestroom(s)	1 + (0.75) bedrooms	1 parking space plus the number of parking spaces from calculating 0.75 times all bedrooms
Bedroom Unit	1.5/1 BRU	1.5 parking spaces for a single bedroom apartment unit
Acres	1/5 acres	1 parking space for every 5 acres
Site	5/site	5 parking spaces for the entire site
Bay	1/bay	1 parking space for every bay
Pumps	½ pumps	1 parking space for every 2 pumps

Section 4.4.5. Reductions to Parking Requirements

A. Generally

1. In specific instances established below, a reduction in required parking spaces may be approved by the Director or Planning and Zoning Commission. Applications for a reduction shall include the following information:

- a. A parking study that substantiates the need for a reduced number of spaces, and
- b. A plan showing how the parking spaces are provided on the site.

2. Multiple parking adjustments and reductions may be used.

3. The maximum required parking reduction shall not exceed forty percent (40%) unless specifically authorized in this Section.

B. Director Approved Adjustments and Reductions

1. Joint Parking Facilities

Joint parking allows parking spaces to be shared among two or more uses that typically experience peak parking demands at different times and are located on the same lot or on lots within six hundred (600) feet. Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this Section, the following requirements apply to joint parking:

a. Authority to Reduce Parking

- (i) The Director may reduce the total minimum number of required parking spaces, provided that each use participating in shared parking experiences peak parking demands at different times.
- (ii) The Director shall base this decision on the criteria established for each parking reduction.

b. Parking Study

The Director may require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of joint parking.

2. On-Street Parking

- a. On-street parking consists of parking spaces located in a public right-of-way.
- b. Each parking space that is in a public right-of-way abutting the lot may count as a required parking space other than residential uses for the purpose of meeting the requirements in Table 3.1.3-2.
- c. Each parking space must be on a paved area abutting or within the public right-of-way. If it is in a public right-of-way, then it shall not prohibit or limit access for emergency service vehicles as required by the Fire Marshal.

3. Captive Market

Parking requirements for retail and restaurant uses may be reduced up to twenty-five percent (25%) where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of five hundred (500) feet.

4. Availability of Public Parking

- a. Parking requirements may be reduced up to twenty percent (20%) if a property has available to it a sufficient supply of existing underutilized public parking spaces in off-street public parking lots or on-street public parking spaces.
- b. Parking must be within a maximum walking distance of five hundred (500) feet from the proposed use.

5. Structured Parking

- a. Parking reductions may be applied for providing parking in a parking structure in addition to any reduction in this Subsection.
- b. For every one hundred (100) parking spaces located in an above-grade parking structure, a twenty percent (20%) reduction in required parking may be applied.

6. M-1 and M-2 District Parking

Any new development in the M-1 and M-2 districts may apply a twenty-five (25%) reduction to the required parking ratio established in Table 3.1.3-2 for that particular use.

- 7. Downton McAllen C-C District Parking
 - a. Required parking ratios do not apply in the Downtown (DT) Subdistrict.
 - b. Any new development or redevelopment in the Downtown Uptown (UT) Subdistrict may apply a fifty percent (50%) reduction to the required parking ratio established in Table 3.1.3-2 for that particular use.
- 8. Infill Development Parking

Any new infill development may apply a thirty percent (30%) reduction to the required parking ratio established in Table 3.1.3-2 for that particular use.

Section 4.4.6. Bicycle Parking Facilities

- A. Generally
 - 1. Bicycle parking is required for certain uses in the C-C, M-1, and M-2 zoning districts to encourage the use of bicycles by providing secure and convenient places to park bicycles.
 - 2. Required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without inconvenience.
 - 3. Bicycle spaces are measured as the ability for a facility to store one bicycle. One bicycle space equals one stored bicycle.
 - 4. A bicycle parking facility shall not obstruct pedestrian traffic or interfere with the use of the pedestrian area.
 - 5. Bicycle parking shall be required and comply with the City’s Hike and Bike Master Plan.



B. Required Minimums

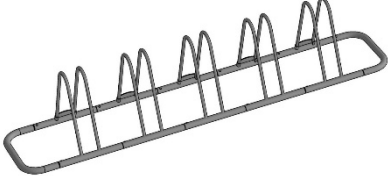
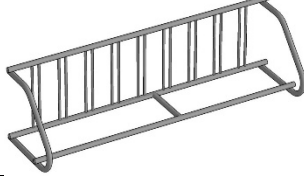
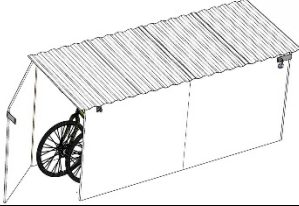
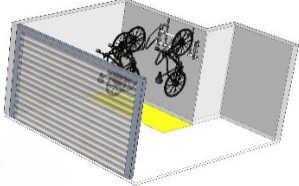
Minimum bicycle parking shall follow the requirements established in Table 3.1.3-2.

C. Bicycle Parking Facility Types

Where bicycle parking is required, one of the following bicycle parking facility types established in Table 4.4.6-1 shall be provided.

Table 4.4.6-1: Bicycle Parking Facility Types

Facility Type	Description	Graphic
U-Rack	A “U-shaped” bicycle facility affixed to pavement that’s stores up to two (2) bicycles which are locked from the outside	
Bollard Rack	A bicycle facility affixed to pavement that stores up to two (2) bicycles which are locked from the outside	

Facility Type	Description	Graphic
Low-Profile Rack	A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside	
Grid Rack	A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside	
Bicycle Locker	A locker or box in which multiple bicycles can be placed, stored, and locked	
Secure Bicycle Parking Area	A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control	

D. Bicycle Facilities

1. Generally

A bicycle facility shall:

- a. Allow a bicycle frame and one wheel to be locked to the rack with a high-security lock;
- b. Allow a bicycle to be securely held with its frame supported in at least one place;
- c. Be durable and securely anchored;
- d. Have a locking surface thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters; and
- e. Not include any elements, impediments, or features within the interior space.

2. Installation

A bicycle facility shall be:

- a. Available to the public;
- b. Located in a convenient, well-lit area that is clearly visible to both a visitor to the building and a person who is on the sidewalk that access the building’s primary entrance;
- c. Within one hundred fifty (150) feet of:
 - (i) The primary entrance of each building, and closer than the nearest vehicle parking space; or

- (ii) At least one primary entrance of a building with multiple entrances; unless an alternative location during the site plan process is approved; and
- d. Outfitted to where a bicycle can be safely and securely locked.

Article 4.5. Loading

Section 4.5.1. Purpose

The purposes of this Division are to:

- A. Ensure that adequate loading facilities are provided for new land uses;
- B. Establish standards and regulations for safe and well-designed loading and unloading to minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses; and
- C. Minimize the impact of improperly planned loading areas.

Section 4.5.2. Applicability

- A. Any new commercial, industrial, or public/civic/institutional building, structure, use, redeveloped site, or enlarged or expanded existing building or use as identified in Table 3.1.3-2, must meet this Division’s requirements unless specifically exempted.
- B. This Division does not apply to residential, accessory, and temporary uses.

Section 4.5.3. Compliance Required

Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of loading facilities, and the means of ingress and egress to those facilities. This information is in sufficient detail to determine the requirements of this UDC are met and shall contain the necessary information required by applicable provisions of this UDC.

Section 4.5.4. Standards

- A. Generally

The required number of off-street loading spaces is determined by gross floor area. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed by trucks. If a development has more than two uses, the off-street loading space requirement is the highest number of spaces required by any one use. Required loading spaces follow the standards provided in Table 4.5.4-1.

Table 4.5.4-1: Required Loading

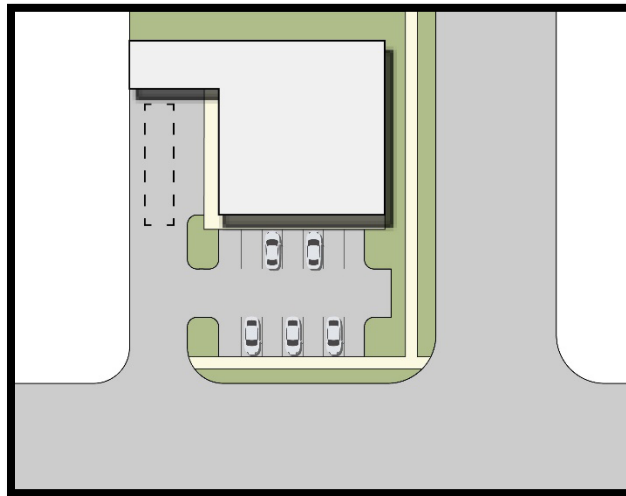
Minimum Required Number of Spaces by Land Use Category						
Floor Area Square Footage	Automotive	Commercial	Public/Institutional	Industrial	Transportation	Infrastructure
0 – 10,000	0	0	0	0	0	0
10,001 – 15,000	1	1	0	1	1	1
15,001 – 25,000	2	1	1	2	2	2
25,001 – 50,000	2	2	2	3	2	2
50,001 – 100,000	3	3	3	4	3	3
100,000 +	4 + 1 for each additional 100,000 sf	4 + 1 for each additional 75,000 sf	4 + 1 for each additional 100,000 sf	5 + 1 for each additional 50,000 sf	4 + 1 for each additional 100,000 sf	4 + 1 for each additional 100,000 sf

- B. Location

A loading space is:

1. Located within the same development as the building or use served;
2. Prohibited from projecting into a sidewalk, street, or public right-of-way;
3. Prohibited from being located between the front building line and the front property line;
4. Located to the rear or side of buildings and is visually unobtrusive;
5. Set back a minimum distance of one hundred (100) feet from any adjacent residential zoning district or use unless completely enclosed by building walls, a uniformly solid wall, or any combination of the two;
6. Set back a minimum distance of forty (40) feet from any public street, nearest point of intersection on any two streets or highway, or front property line; and
7. Oriented away from the street frontage.

Figure 4.5.4-1: Loading Space Illustration



C. Dimensions

1. Unless otherwise specified, all off-street loading spaces shall have a minimum dimension of twelve (12) feet by sixty (60) feet and an overhead clearance of fifteen (15) feet.
2. In no case shall required off-street loading spaces encroach upon off-street parking spaces required by this Division, or on public right-of-way.

D. Maneuvering

1. The size of delivery vehicles intending to serve the site determines maneuvering area size.
2. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for spaces.
3. A maneuvering area must be located on-site and have a minimum of sixty-five (65) feet for spaces serving delivery vehicles.

E. Design

1. Each loading space must minimize conflicts with other vehicular, bicycle, and pedestrian traffic.
2. Loading spaces shall be designed so that vehicles shall maneuver entirely within the property lines of the premises and not on public right-of-way.

3. Unenclosed off-street loading areas shall be permanently paved with hard-surfaced pavement.
4. Landscaping and screening requirements, provided in Article 4.6 and Article 4.7, apply to loading facilities and shall prevent direct views of the loading facilities and their driveways from adjacent properties and public right-of-way.

Article 4.6. Landscaping**Section 4.6.1. Purpose**

The purpose of this Division is to preserve McAllen's unique character and integrate and enhance new development by promoting landscape design that:

- A. Reinforces the identity of the community;
- B. Appropriately situates new buildings in the landscape;
- C. Provides adequate vegetation for screening and buffering between land uses;
- D. Provides tree canopies to reduce urban heat island effect;
- E. Preserves the existing native trees and other physical site values where possible;
- F. Reduce soil erosion and reduce stormwater runoff;
- G. Aid in energy conservation for structures;
- H. Balances water demand and use;
- I. Soften the visual impact of paved areas, parking lots, and adjoining right-of-way;
- J. Identifies climate-appropriate landscape material; and
- K. Protects natural resources.

Section 4.6.2. Applicability**A. Generally**

The Division applies to:

1. All nonresidential, multi-family, and mixed-use developments for new construction within McAllen's corporate limits except for the exemptions listed below.
2. The following landscaping standards apply to all new nonresidential development and to the expansion by more than twenty five percent (25%) of an existing building mass or site in any zone.
3. If a principal nonresidential use and some or all of the parking area (required or otherwise provided) serving the principal nonresidential use are located on separate lots or parcels, the landscape installation required in this Division shall apply.

B. Exemptions

This Division does not apply to:

1. Any property with a site plan that was approved prior to the adoption of this UDC, unless an amended site plan is required by the requirements in the submittal checklist.
2. Properties containing only single-family or two-family land uses unless otherwise specified.
3. Properties in the City Core (C-C) Districts unless otherwise specified.
4. Any development that utilizes zero property line setbacks as permitted by applicable zoning specifications shall be exempt from landscaping requirements for each applicable yard area.

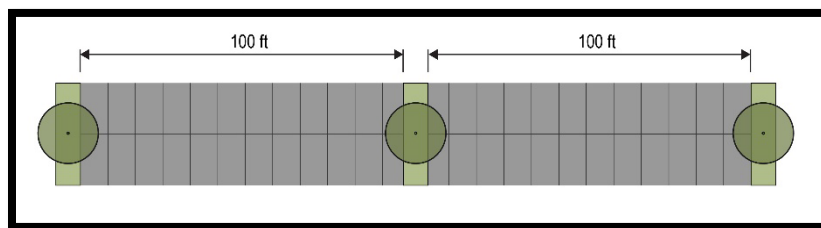
Section 4.6.3. Compliance Required

- A. Each application for a site plan or building permit shall include information as to the location, dimensions, and types of trees and landscaping required. This information is in sufficient detail to determine the requirements of this Division are met and shall contain necessary information required by applicable provisions of this Division.
- B. A landscape plan is required and shall be shown as part of the site plan or building permit. Landscape plans shall meet the requirements established in the submittal checklist.
- C. No permits shall be issued for building, paving, grading, or construction until a landscape plan is approved. Prior to the issuance of a certificate of occupancy for any building or structure, all landscaping shall be in place in accordance with the landscape plan.
- D. If a certificate of occupancy is sought at a season of the year in which the Director determines that it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six (6) months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this UDC and the temporary certificate of occupancy shall be revoked.

Section 4.6.4. Standards

A. Required Landscape Area

- 1. A minimum of ten percent (10%) of the area of any lot or parcel shall be devoted to landscape material and comply with the intent and purpose of this Division and fifty percent (50%) of such landscaped area for nonresidential lots shall be visible from the street fronting the developed property.
- 2. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement, however, right-of-way areas shall be landscaped.
- 3. Landscape areas associated with drainage detention facilities located on the lot or parcel may be credited towards the landscape area requirement.
- 4. A minimum of fifty percent (50%) of the area within the required front yard of any residential parcel shall be devoted to landscape material.
- 5. The portion of the front yard for any residential parcel located between the property line and the extension of the side yard setback line shall be devoted to landscape material.
- 6. Treed landscape areas shall be located within one hundred (100) feet of any parking space.



- 7. Landscape areas within public and private rights-of-way, stormwater detention facilities, medians and islands shall comply with the specifications of the department of engineering. Landscape areas within rights-of-way shall be maintained in perpetuity by the property owners as common area. Trees located in landscape areas within street rights-of-way shall not be planted closer than six (6) feet from the back of the curb, or three (3) feet from the edge of an existing or future sidewalk.

B. Landscape Buffers

1. A buffer shall be provided where a nonresidential use has a side or rear area property line in common with any residential use or zoning district. A masonry screen eight (8) feet in height shall be required where a commercial, industrial or multi-family use has a side or rear property line in common with a single-family use or zoning district. Where such use has two hundred (200) feet or less in common with any residential use or zoning district, the buffer shall be eight (8) feet in height but may be cedar planks.
2. A buffer shall be provided where a multi-family use of four (4) or more dwelling units per structure has a side or rear area property line in common with any single-family residential use.
3. A buffer shall be no closer to the street than the property line or landscape strip area, whichever is greater. Section 4.2.9 concerning sight obstructions at intersections shall be applicable to the screen where it is intersected by a street or alley.
4. A landscape strip area with a minimum width of ten (10) feet shall be provided along and within the property lines of all nonresidential and multi-family uses contiguous to a public street, excluding driveway entrances and exits. For properties having a lot depth of less than two hundred (200) feet, the landscaped strip may be reduced to a minimum width of five (5) feet with a landscape hedge not exceeding three (3) feet in height.
5. A wood or masonry or combination of wood and masonry buffer shall be provided along rear property lines of residential uses contiguous to a public street. Rear access to a residential use from a public street is prohibited where such residential use has access to a public street along the front property line. The buffer shall be constructed prior to final acceptance of the subdivision development improvements or prior to issuance of a certificate of occupancy for properties with an approved subdivision plat prior to the effective date of this ordinance. The buffer is required to be maintained by property owners of the subdivision or by the subdivision homeowners association.
6. A buffer shall be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors), outdoor storage areas and loading docks from public streets.

C. Planting Criteria

1. Trees

Trees planted for credit under Section 4.6.5 shall be a minimum of ten (10) feet in height from ground level to top of crown when measured immediately after planting. In the case of palms, the required measurement shall be six (6) feet from ground level to base of live palm fronds. Trees shall be of a species having an average mature crown spread of greater than fifteen (15) feet in the Lower Rio Grande Valley (except palms) and having trunks which can be maintained in a clean condition for over six (6) feet of clear wood measured from the ground. Trees having an average mature crown spread less than fifteen (15) feet may be substituted by grouping such trees so as to create the equivalent of a fifteen (15) foot crown spread.

2. Shrubs

Shrubs shall be a minimum of one (1) foot in height when measured immediately after planting.

3. Vines

Vines shall be a minimum of thirty (30) inches in height one (1) year after planting and may be used in conjunction with fences, screens or walls to meet buffer requirements and specifications.

4. Ground Covers

Ground covers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

5. Lawn Grass

Grass areas shall be planted in species normally grown as permanent lawns in the City. Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales or other areas subject to erosion.

6. Synthetic Lawns or Plants

Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this Division.

7. Architectural Planters

The use of architectural planters may be permitted in fulfillment of landscape requirements but may not be allowed in right-of-way, unless permitted by a license agreement.

8. A list of trees, shrubs, vines, and ground covers native to the Lower Rio Grande Valley shall be prepared by the Department of Parks and Recreation and provided by the Planning Department.

9. Landscape irrigation requirements for nonresidential and multi-family uses:

a. The owner shall be responsible for the irrigation of all landscape areas and plant materials, utilizing one (1) or a combination of the following methods:

- (i) An automatic underground irrigation system (conventional spray, bubbler, and the like); or
- (ii) An automatic water-saving irrigation system (drip, porous pipe, leaky pipe, and the like).

b. The irrigation method used shall:

- (i) Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis;
- (ii) Be in place and operational at the time of the landscape inspection for certificate of occupancy unless an alternative method is approved; and
- (iii) Be maintained and kept operational at all times to provide for efficient water distribution.

c. Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and aboveground system and shall be required to provide irrigation for the first two (2) growing seasons and thereafter must maintain viability of plant material.

d. Landscape plans shall indicate, by a detail, a drawing, or by specification in a note on the site plan, the nature and location of irrigation which shall be used; these should be specific enough to show that adequate irrigation shall be provided to all required landscape areas and plant material.

e. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

10. Xeriscape areas shall provide a minimum of fifty percent (50%) of the landscaped areas with ground cover or grasses. Xeriscape areas not covered by grasses or ground cover shall be mulched or use another approved ground cover. A list of indigenous plant species for xeriscape areas shall be prepared by the Department of Parks and Recreation and provided by the Planning Department.

11. When landscaped areas are used for stormwater detention, tree and shrub plantings shall not adversely affect volumetric and/or conveyance characteristics.

Section 4.6.5. Tree Credits

For all non-single-family residential development, a minimum of one tree of at least two and one-half (2.5) inch caliper in size and ten (10) feet in height shall be included and replaced as necessary as per the following ratios:

- A. When the required area being landscaped is from one (1) to two thousand (2,000) square feet, a minimum of one (1) tree for every two hundred (200) square feet of landscape area shall be required.

- B. When the required area being landscaped is from two thousand one (2,001) to ten thousand (10,000) square feet, a minimum of ten (10) trees for the first two thousand (2,000) square feet and one (1) tree for every five hundred (500) square feet over two thousand (2,000) square feet of landscape area shall be required.
- C. When the required area being landscaped is from ten thousand one (10,001) or greater square feet a minimum of twenty-six (26) trees for the first ten thousand (10,000) square feet and one (1) tree for every eight hundred (800) square feet over ten thousand (10,000) square feet of landscape area shall be required.
- D. Three palm trees with a minimum of six (6) feet of clear trunk is the equivalent of one two and one-half-inch (2.5) caliper tree. The number of palms trees shall not exceed fifty percent (50%) of the total number of trees required.
- E. Credit for trees (excluding palm trees):

Table 4.6.5-1: Tree Credits

Tree Credits	
Caliper	Number of Trees
≥ 8 inch caliper	6 tree credits
≥ 6 inch caliper	4 tree credits
≥ 4 inch caliper	2 tree credits

- F. In order to encourage the preservation of existing trees, credit shall be given to existing trees (excluding palm trees) according to the following schedule:

Table 4.6.5-2: Existing Tree Credits

Existing Tree Credits	
Caliper	Number of Trees
≥ 20 inch caliper	12 tree credits
≥ 16 inch caliper	10 tree credits
≥ 12 inch caliper	8 tree credits
≥ 8 inch caliper	6 tree credits
≥ 4 inch caliper	4 tree credits

- G. The minimum planting area shall be one-half (0.5) the radius of the crown spread for an existing tree measured from the trunk center, or not less than a radius of two and one-half (2.5) feet, measured from the center of the tree trunk to the near edge of the planting area whichever is greater. The ground surface within the planting areas shall be maintained in a porous or vegetative cover. Plastic underliners shall not be permitted.
- H. Single-family residential development shall provide a minimum of one non-palm tree for the first fifty (50) feet of lot frontage and one additional non-palm tree for each additional twenty-five (25) feet of lot frontage. Trees required for single-family residential development shall be located within the front yard.
- I. For single-family residential development, three (3) palm trees with a minimum of six (6) feet of clear trunk is the equivalent of one two and one-half-inch (2.5) caliper tree. The number of palms trees shall not exceed fifty percent (50%) of the total number of trees required.

- J. A native, non-palm tree, as listed in Section 4.6.4.C with a minimum caliper of two inches and a minimum height of six (6) feet shall be the equivalent of one and one-half (1.5) required trees. Native tree credit is in addition to credit for large caliper and existing tree credit. Of the vegetation required by this Division, the use of ten percent (10%) native plant material may be permitted.

Section 4.6.6. Tree Removal

- A. The owner of the lot or parcel or the manager or agent, shall be responsible for the maintenance of all landscape areas, which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. All landscaped areas shall be irrigated and shall be watered regularly to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material.
- B. No trees over twenty (20) inches in DBH (diameter at breast height) shall be removed without, in the case of any existing or proposed commercial development, submitting to the Director for review a survey of the property in question which includes all trees with a DBH of over twenty (20) inches.
- C. The Director shall expeditiously review the submitted survey and work with the applicant in a pre-development conference to preserve as many existing trees over twenty (20) inches DBH which said preserved trees shall serve as a credit to the applicant's total aggregate number of caliper inches that they are required to plant as per this Division.
- D. In the case of an existing commercial development, no trees may be removed from the development's existing landscape plan without first submitting a replacement landscaping plan for review, consideration and approval by the City; or, in the case of an issue involving three trees or less, the submission of a one page application to remove any tree that has become a hazard to the existing development with a plan to immediately replace it with another tree or trees of an equivalent caliper inch. Applications to remove and replace three trees or less shall be deemed automatically approved unless the City objects in writing within ten (10) business days of filing.
- E. Nothing in this Division shall require any application from or permit to any public utility provider prior to removing a tree whenever it has determined the tree poses a hazard, or interferes with restoration or continuation of utility services.
- F. Violations of this Section shall be punishable by a fine not to exceed \$1,000.00 per occurrence.

Section 4.6.7. Minor Modifications

- A. In special cases where the paved area is less than ten thousand (10,000) square feet and where there are unusual and practical difficulties requirement established in this Division may be reduced through a minor modification approved by the Director.
- B. The Director shall find that the minor modification:
 - 1. Is appropriate and necessary for the development;
 - 2. Does not adversely affect surrounding properties; and
 - 3. Is consistent with the purpose of this Division.
- C. Any modification seeking more reduction relief requires a variance.

Article 4.7. Screening and Fencing

Section 4.7.1. Purpose

The purposes of this Division are to:

- A. Minimize conflicts between potentially incompatible land uses and development on abutting property;
- B. Ensure that screening devices and fences are attractive and in character with the neighborhood;
- C. Maintain fences by recognizing their use to create privacy; and
- D. Distinguish screening devices and fences from each other by clearly defining the two terms and applying specific standards to each term.

Section 4.7.2. Applicability

This Division applies to all development within the City's corporate limits. This Division does not apply to residential development unless otherwise specified.

Section 4.7.3. Screening Device Standards

- A. Generally
 1. All required screening devices must be equally finished on both sides.
 2. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified below, but need not be of the same material as the main fence or wall.
 3. Where a screening device is constructed, placed or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.
 4. No screening device comprised of brick, masonry, concrete, or solid metal shall be erected or placed that would interfere with the installation or maintenance of any public utility line, service, or drainage way within a dedicated easement unless approved by the Director.
 5. No screening device shall conflict with the sight visibility triangle requirements of Section 4.2.9.
 6. Any required screening device provided by a more intensive use abutting a residential use or district shall be permanently and adequately maintained by the more intensive use's property owner.
 7. If there is an existing screening device or fence along a residential property line and a nonresidential use is proposed, the required screening device shall be a living plant screen that complies with the requirements established in Section 4.6.4.C and is deemed acceptable by the Director. However, this requirement may be waived if a 5-foot minimum space between two screening devices and fences is provided for maintenance access. The intent of these requirements is to eliminate screening situations where two screening walls or fences abut each other.
 8. Before certificate of occupancy permit issuance, all approved screening devices must be in place.
 9. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Director for failure to adequately maintain such screening device.

- B. Exceptions

Required screening devices are not required if:

1. An approved screening device already exists along the property line.
2. The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project and a tree survey indicates that a majority of the trees in the wooded area on the subject property are found on the approved plant list maintained by the Planning Department; or
3. The portion of the subject property to be screened is adjacent to a floodplain containing existing trees that provide natural screening.

- 4. If a shared access easement is agreed upon between developing property and undeveloped property and recorded by plat or separate instrument.

C. Design Requirements

A screening device shall be erected or placed in all locations and follow all provisions specified below:

1. Height

The minimum and maximum screening device height follow the requirements established in Table 4.7.3-1.

Table 4.7.3-1: Screening Height Requirements

Screening Type	Minimum Height (ft)	Maximum Height (ft)
Refuse	8	12
Outdoor Storage	6	10
Multi-family	8	10
Industrial	8	12
Automotive	6	10
Other Required Screening	6	8

2. Materials

The materials shall consist of one or more of the following unless specified elsewhere in this UDC (See Figure 4.7.3-1: Acceptable Screening Devices):

- a. Brick masonry, stone masonry, concrete block, or other architectural masonry finish;
- b. Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of twenty (20) feet on center with structural supports spaced every ten (10) feet, and with sufficient evergreen landscaping to create a solid screening effect;
- c. Living plant screens (evergreen shrubs with a minimum of three feet in height at the time of planting) that shall not be detrimental to adjacent property and shall provide sufficient visual screening based on the proposed location and characteristics of the project. A living plant screen shall comply with the requirements established in Section 4.6.4.C; or
- d. Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, and meets the intent and function of this Division at the discretion of the Director.

Figure 4.7.3-1: Acceptable Screening Devices



3. Locational Requirements

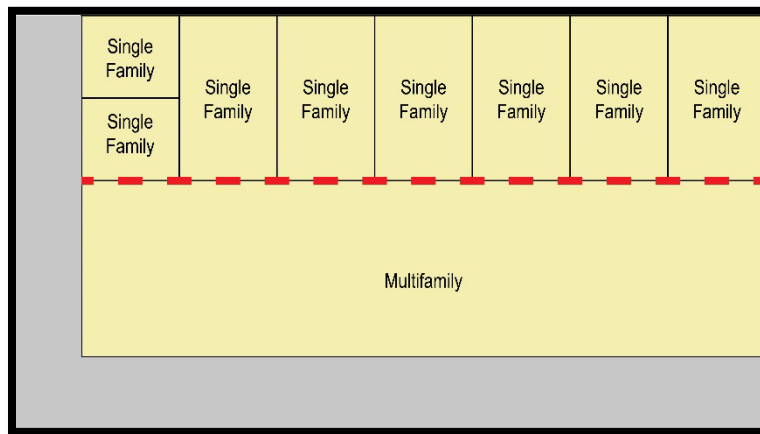
The following locational requirements apply:

- a. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets and any residential properties. Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening device or visual barrier.
- b. Garbage, trash, or refuse containers shall meet the requirements established in Article 4.9.
- c. All wrecking yards, junkyards, or salvage yards shall be contained on all sides and shall be screened from view from the public right-of-way and from adjacent residential property.
- d. Ground mechanical and heating and air conditioning equipment in nonresidential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property.
- e. Roof-mounted mechanical units shall be screened from view at a point of four (4) feet above the property line with a parapet wall, mansard roof, or alternative architectural element. The height of the screening device shall be equal to or greater than the height of the mechanical unit provided that the device shall not extend more than six (6) feet above the roof on a one- or two-story building or more than twelve (12) feet above the roof on a building of three (3) or more stories. A mechanical unit that is taller than the maximum permitted height of the screening feature shall be set back from the screen three feet plus one foot for each foot exceeding the height of the screen. Screening for mechanical units shall apply to new building construction only.
- f. For commercial and industrial uses, vehicles and equipment awaiting repair for more than 24 hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.
- g. A screening device meeting the standards established in Table 4.7.3-1 shall be constructed on nonresidential property adjacent to residential property lines.
- h. Nonresidential uses in a residential district shall be screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of that nonresidential use. These screening

requirements are not required for public schools, parks, or religious land uses, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling.

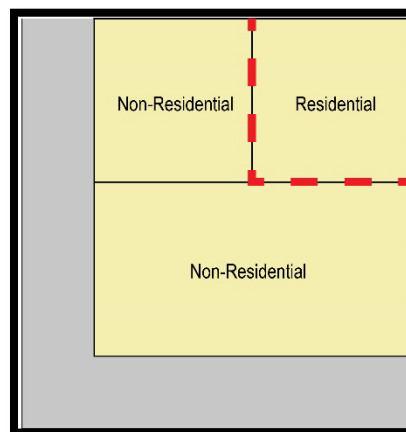
- i. Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public land use.
- j. Where a multi-family residential use abuts a single-family or two-family residential use or district, the side and rear property lines of that multi-family use shall be screened from view of adjacent dwelling(s) (see the red dashed line in Figure 4.7.3-2: Required Multi-Family Screening Abutting a Residential Lot or Use).

Figure 4.7.3-2: Required Multi-Family Screening Abutting a Residential Lot or Use



- k. No screening device or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the Zoning Board of Adjustment through a variance request.
- l. Where a nonresidential use abuts a residential lot or use, the side and rear property lines abutting that residential lot or use shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use, or district to the nonresidential use to a height not less than six (6) feet (see the red dashed line in Figure 4.7.3-3: Required Nonresidential Screening Abutting a Residential Lot or Use).

Figure 4.7.3-3: Required Nonresidential Screening Abutting a Residential Lot or Use



- m. Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and a parking area is located in the front yard of the nonresidential use, then the parking area facing the residential lot, use, or district shall be suitably screened to a height of at least than three (3) feet.

Section 4.7.4. Fencing Standards

A. Generally

1. Fences are not required for any property within the corporate limits.
2. No fences exceeding three (3) feet in height shall be allowed in the required front yard in any residential district.
3. No fence shall be allowed in the required right-of-way.
4. No fence shall conflict with the sight visibility triangle requirements of Section 4.2.9.
5. Every fenced enclosure constructed under the provisions of this Section shall have at least one (1) gate in its perimeter.
6. All fences constructed under the provisions of this Section shall be maintained so as to comply with the requirements of this Section at all times. The Director may order the repair or removal of a fence if it is more than five percent (5%) damaged or leaning ten (10) degrees from vertical. Fences shall be repaired in compliance with the provisions of this Section.

B. Corner Lots

1. On all corner lots in residential districts that have opposing rear property lines, fences may be constructed not to exceed eight (8) feet in height along the side and rear property lines, as indicated in **Figure**.
2. On all residential district corner lots where the rear property line is opposed to a side property line across an alley from that side property line, no fence exceeding three (3) feet in height shall be constructed upon or within the side yard that is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in **Figure**.
3. On all residential district corner lots that are key lots, the corner lot shall have a front building line on both streets, unless that key lot is separated from other lots by a dedicated street or alley. Where the property lines are opposed to a side property line of an adjoining lot, no fence exceeding three (3) feet in height shall be constructed between the front building lines and the side yard line of the abutting lot, as indicated in **Figure**.

C. Design Requirements

1. The minimum fence height is six (6) feet from average lot grade with a maximum height of eight (8) feet, unless otherwise specified.
2. Treated lumber is attached with galvanized screws to galvanized poles installed in premixed concrete.

D. Security Fencing

1. Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
2. In residential areas, barbed wire, razor wire, electrified fencing, or other hazardous material are not allowed in the construction of fencing.
3. No fence that conducts an electrical current is allowed in any district or for any use except for those uses in an agricultural zoning district or for a correctional facility.

4. Barbed wire strands may be placed on top of permitted fences and screening devices in any nonresidential district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than twelve (12) feet nor the bottom strand lower than eight (8) feet from the adjacent grade line.
5. Barbed wire may be placed on gate arms, fences, and screening devices in industrial zoning districts.

Article 4.8. Outdoor Lighting

Section 4.8.1. Purpose

The purposes of this Division are to:

- A. Allow the use of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce;
- B. Minimize adverse off-site impacts of lighting;
- C. Curtail light pollution, reduce skyglow, and improve the nighttime environment for astronomy;
- D. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources;
- E. Conserve energy and resources to the greatest extent possible; and
- F. Encourage outdoor lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings or settings.

Section 4.8.2. Applicability

This Division applies to all outdoor lighting within the corporate limits. All outdoor lighting installed after the effective date of this UDC shall comply with this Division.

Section 4.8.3. Exemptions

The following are exempt from the regulations in this Division unless noted otherwise:

- A. Single-family residential uses are exempt from the lighting plan requirements, but when lighting is provided, it is subject to the standards of this Division.
- B. Public street lighting, providing that new street lighting shall be approved by the Traffic Department.
- C. Temporary holiday displays.
- D. Emergency/warning lights.
- E. City-owned facilities, provided these uses meet the following standards:
 1. The luminaire angle from a lighting source that illuminates a recreational use may exceed an angle of zero degrees only to the extent necessary for lighting the use, provided that the luminaire is shielded to minimize spillover to surrounding properties;
 2. Maximum permitted illumination at the property line for a recreational use shall be two footcandles; and
 3. Exterior lighting for a recreational use shall be extinguished as soon as possible after the event.

Section 4.8.4. Compliance Required

- A. Site plans prepared under this UDC shall include an acknowledgement that the applicant and designer have reviewed Article IV, Division 8 and that the site, as designed, complies.
- B. Before certificate of occupancy issuance for any building or structure, all lighting shall be in place in compliance with this Article IV, Division 8.

Section 4.8.5. Standards

- A. Generally

1. The direct or reflected light from any light fixture shall not create a traffic hazard to operators of motor vehicles on public streets or to operators of aircraft, and no colored lights may be used in such a way as to be confused or construed as street-traffic or air traffic control devices.
2. No blinking, flashing, or fluttering lights, or other illuminated device that has a changing light intensity, brightness, or color, is permitted in any zoning district.
3. The Director may require modifications to outdoor lighting after installation upon finding that the lighting, as installed, does not comply with these standards.

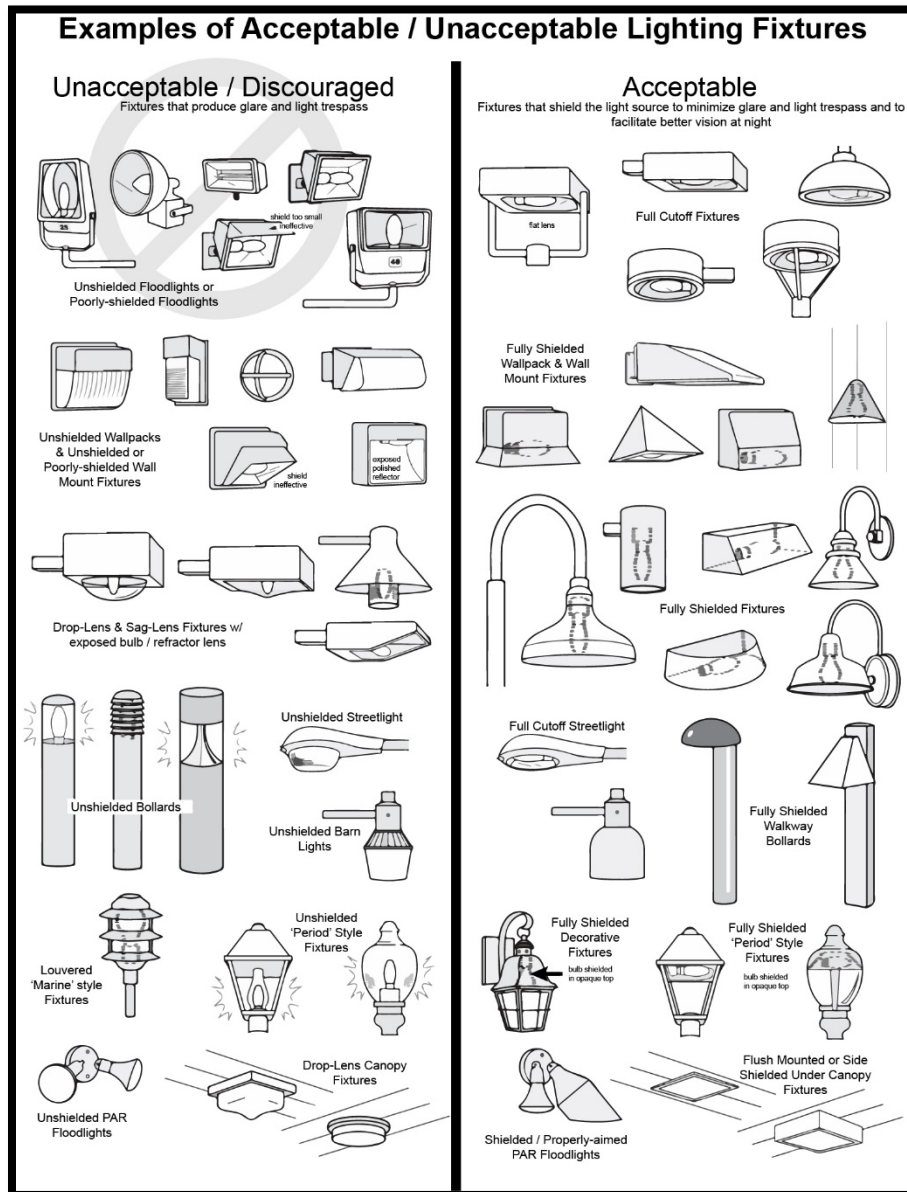


Figure 4.8.5-1: Light Fixture Examples

B. Lighting Design

1. All outdoor lighting shall meet the functional security needs of the proposed land use without adversely affecting surrounding properties and the natural environment.

2. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding five hundred (500) lumens for individual light fixtures, one hundred fifty (150) lumens for individual lights in a light string (e.g., patio lights), and three thousand (3,000) Kelvin in color temperature are not required to be full cutoff. For cutoff light fixtures, refer to Figure 4.8.5-1: Light Fixture Examples.
 3. Light sources shall be concealed or shielded to minimize the potential for glare and light pollution.
 4. Light fixtures shall be installed so that the luminaire angle is zero degrees (vertical to the ground).
 5. Lights that shine outward and create direct glare are prohibited.
 6. The amount of light trespass projected onto a residential use from another property shall not exceed 0.1 footcandles at the property line.
 7. Lighting shall be distributed evenly to minimize extremes in luminance levels.
 8. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited in all areas.
 9. Energy efficient lighting shall be used to the maximum extent practicable.
 10. Light sources in residential zoning districts shall not exceed three thousand (3,000) Kelvin in color temperature.
 11. Light sources in nonresidential zoning districts shall not exceed five thousand (5,000) Kelvin in color temperature.
 12. Light fixtures used to illuminate flags, statues, or any other objects shall minimize glare beyond the illuminated object.
- C. Lighting Height
1. Light fixtures mounted to a building or structure shall not exceed the height of the building or structure.
 2. Freestanding light fixtures located in residential zoning districts shall be mounted no higher than twenty (20) feet from the ground.
 3. Freestanding light fixtures located in other zoning districts shall be mounted no higher than thirty-five (35) feet from the ground.
 4. Light fixtures higher than the maximum heights specified in this subsection, but not exceeding the maximum structure height in the applicable zoning district, are prohibited unless the Director finds that such lighting is appropriate and necessary for the development, shall not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.

Section 4.8.6. Minor Modifications

- A. Lighting fixture heights greater than those established in this Division may be heightened by five feet through a minor modification approved by the Director.
- B. The Director shall find that the heightened lighting fixture:
 1. Is appropriate and necessary for the development;
 2. Does not adversely affect surrounding properties; and
 3. Is consistent with the purposes of this Division.
- C. Any lighting fixture height greater than those granted through a minor modification requires a variance.

Article 4.9. Refuse Containers and Enclosures

Section 4.9.1. Purpose

The purpose of this Division is to provide standards for the property placement and screening for refuse containers for the health and safety of the City of McAllen.

Section 4.9.2. Applicability

This Division applies to all nonresidential development within McAllen’s corporate limits. This Division does not apply to residential development unless otherwise specified.

Section 4.9.3. Standards

A. Design

1. Refuse containers shall be screened by a masonry enclosure on three sides.
2. The enclosure shall extend at least one (1) foot above the container top.
3. Enclosure materials shall be masonry or concrete block and the same color as the exterior walls of the main structure.
4. A maximum eight (8) foot solid metal gate is required.
5. Gates shall remain closed except when in use for access and when open, is not allowed to encroach within any fire lane.
6. Enclosures and refuse containers shall comply with the specifications provided by the Public Works Department..
7. All enclosures shall provide a 24-foot vertical clear zone, unless otherwise approved by the Public Works Department.

B. Location

1. Refuse containers shall not be located in front of the main building unless no other option is available.
2. Refuse containers shall not be located within the required parking area or setback.
3. Refuse containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way.
4. All enclosure approaches shall provide a minimum of forty (40) feet of straight backing, as measured from the front gates of the enclosure, to accommodate a sanitation truck’s maneuverability. If special circumstances prevent straight backing from being provided, the Public Works Department shall have the authority to approve angled or alternative backing movements.
5. The sanitation truck approach and pad shall be paved to withstand the weight of a sanitation truck and fully loaded refuse container.

C. Rolling Carts

Within the C-C, M-1 and M-2 Districts, City contractor approved rolling carts (CARDS carts, etc.) may be used to meet this Division’s requirements.

D. Shared Refuse Containers and Enclosures

1. Any nonresidential use, except for automotive and industrial uses, may share a refuse container or enclosure with another nonresidential use by providing a shared refuse container agreement to the Director.
2. The refuse container agreement shall be filed with the Hidalgo County Clerk.
3. A refuse container agreement shall be approved by the Director before filing with the County.
4. The refuse container agreement shall include:
 - a. All parties involved, including the property owners or agents and site owners or agents;
 - b. Duration and time of use; and
 - c. An exhibit indicating the:
 - (i) Location of the refuse container on a site plan; and
 - (ii) Distance of the refuse container to the use, building, or site.

Section 4.9.4. Minor Modifications

- A. The 40-foot straight backing requirement established in this Division may be reduced by ten (10) feet through a minor modification approved by the Director.
- B. The Director shall find that the minor modification:
 1. Is appropriate and necessary for the development,
 2. Does not adversely affect surrounding properties, and
 3. Is consistent with the purpose of this Division.
- C. Any modification seeking more than a 10-foot reduction requires a variance.

Article 4.10. Signs

Section 4.10.1. Purpose

The purpose of this Division is to regulate signs of all types (permanent and temporary) in a manner that:

- A. Protects constitutional rights to free speech by providing ample opportunities for expression through signs, while avoiding content-based distinctions, and providing clear approval standards;
- B. Protects public health and safety by:
 - 1. Minimizing visual traffic hazards, distractions and obstructions for motorists, cyclists, and pedestrians, or signs causing confusion by virtue of visual similarity to traffic control signs;
 - 2. Reducing hazards caused by collapse, fire, collision, decay or abandonment;
 - 3. Not obstructing firefighting or police surveillance; and
 - 4. Encouraging the upgrading, updating, or removal of signs that are poorly maintained, or do not conform to this Division, and preventing signs that are potentially dangerous due to structural deficiencies and disrepair.
- C. Enhances the appearance and economic value of the landscape, by providing that signs:
 - 1. Do not interfere with scenic views;
 - 2. Do not create a nuisance to persons using the public rights-of-way;
 - 3. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and
 - 4. Are not detrimental to land or property values.
- D. Promotes the community's appearance, character, quality, and business climate by encouraging signs that are attractive and functional for their intended purpose, and that are in scale and harmony with the development site and building(s) and with surrounding areas;
- E. Reduces and prevents visual clutter or potential deterioration of the community's appearance and attractiveness; and
- F. Implements the goals and policies of the City's adopted planning policies by establishing uniform standards and procedures to regulate the size, type, number, design, placement, illumination, timeframe for display, and maintenance of signs.

Section 4.10.2. Applicability

- A. Generally
 - 1. This Division applies everywhere within the City's corporate limits and its extraterritorial jurisdiction, except as specifically stated otherwise in this Division.
 - 2. This Division does not prohibit signs required by state or federal law and does not authorize signs that state or federal law prohibits.
 - 3. A person shall not erect, operate, display, or otherwise use any sign that this Division prohibits.
 - 4. A person shall not erect, operate, display, or otherwise use any sign at a time, place, or manner that this Division prohibits.

B. Message Neutrality**1. Content Neutrality**

Despite any other provision of this Division, no sign is subject to any limitation based on the content of its message.

2. Substitution Allowed

Any sign authorized in this Division may contain any noncommercial copy or messages instead of a commercial or another noncommercial message.

Section 4.10.3. Prohibited Signs

The following signs and related objects are prohibited from being installed or publicly displayed at any location within the City's corporate limits and its extraterritorial jurisdiction, except as otherwise specifically provided within this Division, and if only after authorized issuance of a City-issued sign permit required by this Division.

- A. Moving and flashing signs, including signs that flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of lights, LEDs, or other parts, or through the impression of movement or flashing. However, this prohibition shall not apply to:
 - 1. Noncommercial message(s); and
 - 2. Signs that are fully located within an enclosed building that are not observable from the exterior of that building.
- B. Signs which employ a motion picture machine, or which display moving images, or images which give the impression of motion, including those using digital display.
- C. Signs which are of a size, location, movement, content, coloring, or manner of illumination, which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
- D. Signs placed on or affixed to vehicles, trailers, or equipment that are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to direct people to another property.
- E. Signs displaying "hate speech" as defined by American Case Law.
- F. No person shall attach any sign, paper or other material to, or paint, stencil or write anything on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this Division or by the City Commission or its delegated representatives. This prohibition does not apply to signs in the C-C district as permitted by license under this Division.
- G. No person shall erect or allow to be erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes unless specifically exempted by this Division or unless erected under a valid, unexpired permit as specifically set forth elsewhere in this Division.
- H. No person shall paint a sign or attach a sign to the exterior of a fence or railing.
- I. No person shall hold, display, or wear a sign unless on private property and not in the right-of-way.
- J. Signs which do not comply with any applicable provision of a building code, electrical code or other applicable code or ordinance of the City.
- K. Messages displayed from searchlights.
- L. Signs that are in disrepair to the extent that the cost of repair would exceed fifty percent (50%) of the value of a similar sign if purchased new and signs in danger of falling or that are otherwise unsafe to the public.

- M. Signs that display multidimensional projections of diffracted light are prohibited.
- N. Signs that are located on or that interfere with the use of public sidewalks, required off-street parking areas, or vehicle maneuvering areas unless specifically regulated in this Division.
- O. A sign other than a traffic control sign or signal, in a sight visibility triangle as provided in Section 4.2.9.
- P. Any unauthorized sign on or attached to a public streetlight, utility pole, hydrant, bridge, traffic-control device, street sign or other public structure or building, or any sign located in, on, over or within a public street, sidewalk, alley, easement or right-of-way.
- Q. Signs (illuminated from within or without) that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon a street or substantially interfere with the reasonable enjoyment of property.
- R. Signs located on private property without the consent of that property owner.
- S. Signs that use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of at least 250 feet along the street.
- T. All signs not expressly allowed, exempted, or permitted under this Division.

Section 4.10.4. Exempt Signs

The following signs and related objects are generally allowed to be erected and publicly displayed at any location within the City's corporate limits and its extraterritorial jurisdiction, except as otherwise specifically provided within this Division, and a city-issued sign permit is not required in order to erect and display any of the following signs unless specifically set forth in this Section. This Division shall not apply to:

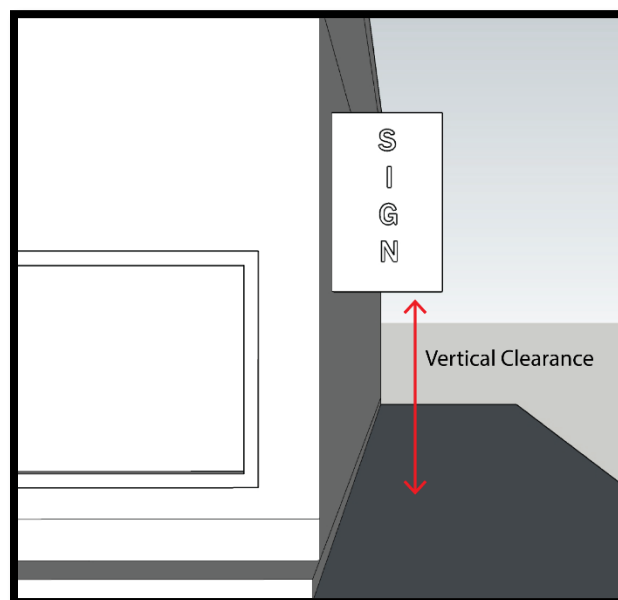
- A. Any signs and signals properly authorized by law, signs authorized by statute or a state agency in accordance with the Texas Manual of Uniform Traffic Control Devices, and other traffic signals, public warnings, or legal notices provided that such objects are installed in a location and in a manner and condition required by federal or state statute, a state agency, or a City ordinance or authorized authority.
- B. Nonconforming signs and existing billboards as defined in this UDC.
- C. Signs required by governmental bodies or agencies having proper jurisdiction for a public purpose by law, statute or ordinance. This also includes any signs the City Commission decides by ordinance or resolution to erect within its corporate limits, extraterritorial jurisdiction, or any real property that it may own or control.
- D. Signs on vehicles, trailers, or equipment are exempted only to the extent such signs are incidental to the primary use of the vehicle, trailer, or equipment, provided that the vehicle, trailer, or equipment is in good mechanical repair and is not left in one place for more than 72 hours without being moved.
- E. Signs erected by the City that direct vehicular and/or pedestrian traffic, which may display arrows, words, or other symbols to indicate directions of facilities.
- F. Address numerals and other similar information required to be maintained by law or governmental order, rule or regulation, provided that the size of the sign may not exceed the requirements of such law, order, rule or regulation.
- G. Signs contained within a walled, fenced, or secured property or area.
- H. Signs which are located in or adjacent to entrances or foyers.
- I. Signs erected by governmental bodies or agencies serving the public, that are less than thirty-two (32) square feet in area.

- J. Decorations, lights, pennants and similar devices on public property with the permission and under the supervision of the City.
- K. Seasonal lights and decorations customarily displayed during federally recognized holidays.
- L. Signs in plaza or public space structures located in the City's right-of-way, that are installed and maintained by the City or a contractor authorized by the City.

Section 4.10.5. General Requirements

- A. Installation
 - 1. Signs and sign structures shall comply with the City's Building Code and all other regulatory requirements. An applicant shall obtain all applicable plans and permits before installing a sign.
 - 2. For wall signs, the sign installation area on the building wall shall be cleaned, patched, and painted upon sign removal.
- B. Maintenance
 - 1. All signs, together with any supports, braces, guys and anchors, and colors, shall remain in good repair and be properly maintained.
 - 2. Any defective signs or damaged parts or components of a sign shall be replaced and keep the adjacent properties free of debris, weeds, trash, or other public nuisances.
 - 3. The Director may enforce the standards as provided in this UDC.
- C. Vertical Clearance for Signs Projecting over Sidewalks, Walkways, and Driveways
 - 1. The bottom edge of any projecting sign, attached awning/canopy sign, hanging sign, marquee sign, and any other sign that extends or projects over a sidewalk, walkway, or driveway shall be at least seven (7) feet from the back of the curb or highest point as shown in Figure 4.10.5-1: Sign Vertical Clearance unless specified elsewhere in this Division.

Figure 4.10.5-1: Sign Vertical Clearance



2. Projecting signs, attached awning/canopy signs, hanging signs, marquee signs, and any other sign that extends or projects over public sidewalks shall not extend into or occupy more than half (1/2) the width of the sidewalk or five (5) feet (whichever is less), as measured from the building wall.

D. Right-of-Way and Sight Distances

1. Signs Prohibited in Right-of-Way

No person shall place or install a sign within the right-of-way of any public street except as provided below.

2. Signs in the Sight Visibility Triangle

- a. No person shall place or install a sign in a location established as a sight visibility triangle except as provided below.
- b. The Director may approve a sign permit for placement of a sign in a required sight visibility triangle if this Division allows the sign type, and the sign cannot be located outside the sight visibility triangle due to unusual circumstances. The Director shall perform an on-site inspection and determine that a safe and adequate intersection visibility exists based on the following factors:
 - (i) Generally accepted traffic engineering best practices, as recognized by the American Association of State Highway and Transportation Officials (AASHTO);
 - (ii) Sign design;
 - (iii) Traffic conditions; and
 - (iv) Driveway or street design.

Section 4.10.6. Computations and Interpretations

A. Sign Faces and Sign Application

When a sign has multiple faces, the sign area shall be calculated as follows:

1. One-Sided Sign

The area shall be the area of the one face.

2. Two-Sided Sign, Front and Back

The sign area is calculated separately for each side. The area of each side shall not exceed the maximum permitted sign area.

3. Signs Faces on Different Planes of an Architectural Sign Structure

- a. Two sign faces where the interior angle between the two faces is forty-five (45) degrees or less. The sign area is calculated separately for each sign face. The maximum permitted sign area applies to each sign face.
- b. Two sign faces where the interior angle between the two faces is greater than forty-five (45) degrees. The sign area is the sum of the individual sign faces. The combined sign area of the two faces shall not exceed the maximum permitted sign area.
- c. Where more than two sign faces exist on a single architectural structure, the sign area is the sum of the individual sign faces. The combined sign area of the faces shall not exceed the maximum permitted sign area.

4. All signs on a single supporting structure, that is not an architectural sign structure, shall be measured together as though they were one sign to determine the total sign area, except that signs separated by more than thirty-six (36) inches of air space at every point between the signs, and not separated by being

located on different planes of an architectural sign structure, shall be measured separately and added together to determine the total effective area.

5. Irregular Shaped Signs

The sign area is the area enclosed by the smallest imaginary regular shape, or combination of shapes, which would fully contain all portions of the sign when rotated horizontally around the sign. Marquee signs are not considered freeform if information is only displayed on the front and back.

B. Manner of Measurement

The measurement required for signs by this Division shall be made using the following procedures:

1. Setback

To apply the setback provisions of this Division for signs at any one point, the following measuring procedure shall be used:

- a. Draw an imaginary vertical extending upwards from the curb-line of the premises;
- b. Beginning at any point on the vertical line, draw an imaginary horizontal line perpendicular to the vertical line and curb-line extending toward the premises; and
- c. Beginning at the point where the vertical line intersects the horizontal line, measure along the horizontal line for the required setback.

2. Height

The maximum height of a sign mounted to the ground shall be determined by the method of measurement that allows the greater height, as follows:

a. Curb-line Measurement

- (i) Measure along a vertical line extended upward from the nearest curb-line of the public street fronting the premises where the sign is to be located, to the maximum height allowed for the sign.
- (ii) From that point, extend a horizontal line to where the sign is to be located.
- (iii) The horizontal line is the maximum height allowed at that location.

b. Street Level Measurement

- (i) Along elevated roadways, the height of a sign may be measured from the principal lane, the frontage road, or the ground, whichever allows the greatest height.
- (ii) At the highest point of the sign, draw a horizontal line to the outer extremities of the sign.
- (iii) At the center of the horizontal line, draw a vertical line to the street level (the level of the principal lane, the frontage road or the ground).
- (iv) The vertical line may not exceed the height allowed for a sign at that location for that particular district.

c. Natural Ground Level Measurement

- (i) At the highest point of the sign, draw a horizontal line to the outer extremities of the sign.
- (ii) At the center of the horizontal line, draw a vertical line to the natural ground level below (the "natural ground level" shall include any changes in topography necessary for development of the property).
- (iii) The vertical line may not exceed the height allowed for the sign at that location.

3. Sign Area

- a. Sign area means the area enclosed by the smallest imaginary regular shape (e.g. parallelogram, triangle, circle, trapezoid) or combination of regular shapes that shall encompass the extreme limits of the writing, representation, emblem, or other display, or combination thereof, together with any material or color forming an integral part of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
- b. Sign area includes such features as decorative or ornamental elements or features, borders, trims, but not including the architectural enclosure or supporting structure which is used solely for support of the sign, such as poles columns and cables, pylons, or architectural enclosures.

C. Sign Measurement Variables¹⁹

Signs may be allocated by (note: this is not an inclusive list):

- 1. Lot;
- 2. Storefront;
- 3. Entrance;
- 4. Grounded Canopy;
- 5. Window; or
- 6. Building.

Section 4.10.7. Sign Features

Signs may incorporate the following features established below; however, these features shall only be allowed as established in the tables in Section 4.10.10 through Section 4.10.14.

A. Illumination

1. Generally

- a. A sign that is "illuminated" means any sign that incorporates illumination on or in the sign, or that directs illumination toward or over all or part of the sign, or that is created by the projection of illuminations onto a surface (such as a building wall).
- b. Permanent signs may be illuminated by static and continuous internal, external, and halo illumination configurations as indicated in the tables in Section 4.10.10 through Section 4.10.14 for each sign type. Figure 4.10.7-1: Sign Illumination Examples shows the various illumination configurations (from top left to bottom right: halo illumination, external illumination, external illumination, internal illumination).
- c. Temporary signs shall not be illuminated.

¹⁹ Graphic pending showing all of the variables similar to the bike parking graphic.

Figure 4.10.7-1: Sign Illumination Examples



2. Standards

The standards below apply to all signs that are illuminated.

- a. Signs that are illuminated shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade.
- b. Illumination shall not include animation, moving video, or flashing, scrolling, intermittent, moving lights, rotating beams or flashing beacon lights.
- c. Signs that are illuminated shall not be illuminated by flashing, intermittent, or moving lights, or lights that consist of an image projected upon a stationary object.
- d. The illumination source for a sign or building shall be shielded from view from any point on the ground by either an opaque or translucent material.
- e. Illumination shall comply with all applicable provisions of the City's Electrical Code.
- f. Signs with illumination in or within one hundred (100) feet of a residential area shall be reduced to fifty percent (50%) of the maximum brightness level allowed by this Section between the hours of 12:00 AM and 6:00 AM.

B. Electronic Message Centers

1. Generally
 - a. A sign that incorporates an electronic message center (EMC) means a sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity (Figure 4.10.7-2 shows examples of signs that incorporate EMCs).
 - b. Permanent signs may incorporate EMCs as indicated in the tables in Section 4.10.10 through Section 4.10.14 for each sign type.
 - c. Temporary signs shall not incorporate EMCs.

Figure 4.10.7-2: EMC Sign Examples



2. Standards
 - a. Hold Time
 - (i) Each message on the sign must be displayed for at least fifteen (15) seconds duration.
 - (ii) Message changes shall be completed instantaneously and shall be imperceptible.
 - b. Electronic Copy
 - (i) Signs incorporating EMCs shall only contain static messages changed exclusively by dissolve or fade transitions, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign.
 - (ii) A static message shall not include any flashing or varying of light intensity, and the message shall not scroll.
 - (iii) The change of message using dissolve or fade transition shall not exceed two (2) seconds of time between each message displayed on the sign.

c. Brightness

- (i) The intensity of the light source for an EMC shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
- (ii) An EMC shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade.
- (iii) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 0.5 foot-candles above ambient light and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Director.

d. Light Sensing Device

Each digital sign must have a light-sensing device that shall adjust the brightness as ambient light conditions change.

e. Technology

- (i) The technology currently being deployed for EMCs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future.
- (ii) Any other technology that complies with the performance standards for EMCs, including the maximum brightness levels as stated in c above, is permitted.

f. Automatic Shutoff

An EMC shall:

- (i) Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light.
- (ii) Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs, and
- (iii) Be designed so that a catastrophic power surge shall cause the sign to go dark or to deploy the maximum brightness limitations, and
- (iv) Automatically adjust the intensity of its display according to natural ambient light conditions.

g. Resolution

- (i) EMC faces shall have a pixel pitch of no more than 16 millimeters.
 - (1) "Pixel pitch" means a measurement of the resolution of a digital display, in terms of the distance (generally in millimeters) between the center of a light-emitting diode (LED) cluster (pixel) and the center of the next LED pixel.
 - (2) A lower pixel pitch measurement indicates a higher display resolution.
- (ii) The requirements of Subsection g above applies only to signs that are constructed, rebuilt, or replaced after the effective date of this UDC.

3. Maintenance

- a. The sign owner shall provide the Director with the phone number and email address of a person who is available to be contacted at any time and who is able to turn off the EMC promptly after a malfunction occurs.

- b. The light modules on EMCs shall be repaired or replaced if they become broken, burned-out, or substantially dimmed.
- C. Channel Letters
 - 1. Generally
 - a. Permanent signs may incorporate channel letters as indicated in the tables in Section 4.10.10 through Section 4.10.14 for each sign type (Figure 4.10.7-3: Channel Letter Examples shows examples of channel letters used as signs).
 - b. Temporary signs shall not incorporate channel letters.

Figure 4.10.7-3: Channel Letter Examples



2. Standards

The standards below apply to signs incorporating channel letters.

- a. Where allowed, channel letters are limited to the required sign face area maximums.
- b. Channel letters may be illuminated if illumination is allowed for the sign type in that sign district.
- c. Channel letters shall affix flush against the wall of the building to which it is attached.
- d. Channel letters shall not extend more than sixteen (16) inches from the surface of the wall to which it is attached.
- e. Channel letters shall not project above the roofline of the building to which it is attached.

D. Changeable Copy

1. Generally

Permanent signs may incorporate changeable copy as indicated in the tables in Section 4.10.10 through Section 4.10.14 for each sign type (Figure 4.10.7-4: Changeable Copy Sign Examples shows examples of signs that incorporate changeable copies).

Figure 4.10.7-4: Changeable Copy Sign Examples



2. Standards

Changeable copies may be illuminated if the dimensions and standards allow illumination for the sign type in the district.

Section 4.10.8. Sign Types

A. Purpose

1. This Division establishes the required standards for signs from the following sign categories:
 - a. Detached signs;
 - b. Attached signs;
 - c. Incidental signs;
 - d. Temporary signs; and
 - e. Special signs;
2. This classification system provides flexibility for persons and businesses who display signs, avoids sign distinctions that depend on a sign's message, supports the communities' aesthetic goals, and avoids potential traffic hazards and clutter.

B. Generally

This Division establishes standards for individual sign types. Sections and subsections on each sign type addresses the following standards:

1. An introductory paragraph defining the sign type;
2. Images or graphics that illustrate the sign type; and
3. A table summarizing the applicable sign standards, including:
 - a. If the sign type is allowed in the designated areas provided in the tables in Section 4.10.10 through Section 4.10.14.
 - b. If a sign permit is required;
 - c. The maximum number of signs of each type;
 - d. Maximum sign dimensions, including:
 - (i) Sign area;
 - (ii) Height;
 - (iii) Location/setbacks; and
 - (iv) Other requirements.
 - e. If the sign features provided in Section 4.10.7 are allowed or required:
 - (i) Electronic message centers;
 - (ii) Illumination features;
 - (iii) Channel letters; and
 - (iv) Changeable copies.

Section 4.10.9. Sign Allocation System

This Division regulates signs by zoning districts. This Division's permitting requirements for each sign type references the subsections that apply to that sign type.

Section 4.10.10. Detached Signs

Detached signs are classified into one of the following sign types: monument signs, pole signs, or subdivision entry signs. Their associated regulations are established in this Section. A lot may have one detached sign, but not multiple unless specified elsewhere in this Section.

A. Monument Signs

Figure 4.10.10-1: Monument Sign Examples



1. Definition

A permanent detached or freestanding sign with a low profile, a base, and a support structure with a solid appearance that is at least 50% of the width of the widest part of the sign’s face.

2. Standards

a. Generally

Table 4.10.10-1 establishes the standards for Monument Signs.

Table 4.10.10-1: Monument Sign Standards

Monument Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	NR	✗	✗	✓	✓	✗	✓
Permit Required?	✓	--	--	✓	✓	--	✓
Number per Lot (max.)	1	--	--	1	1	--	1
Dimensions							
Sign Height (max.)	10 ft	--	--	20 ft	15 ft	--	20 ft
Sign Area (max.)	50 sf	--	--	200 sf	150 sf	--	200 sf
Setbacks							
From Front Property Line	10 ft	--	--	10 ft	5 ft	--	10 ft
From Adjacent Property Line	10 ft	--	--	10 ft	10 ft	--	10 ft
From Another Detached Sign	50 ft	--	--	100 ft	50 ft	--	100 ft
Features							
Electronic Message Center	✗	--	--	✓	✓	--	✓
Changeable Copy	NR	--	--	✓	✓	--	✓
Internal Illumination	NR	--	--	✓	✓	--	✓

Monument Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
External Illumination	NR	--	--	✓	✓	--	✓
Halo Illumination	NR	--	--	✓	✓	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet "--" = the standard does not apply signs must be outside of sight visibility triangle						

b. Number

- (i) This Subsection generally allows one (1) double-sided monument sign for each lot fronting a street for the districts shown in Table 4.10.10-1 unless the lot fronts multiple streets, in which an additional monument sign is allowed for each street frontage.
- (ii) No monument sign is allowed on a lot without frontage on to a street.

c. Multi-Tenant Allowances

- (i) The maximum sign area for a monument sign on a lot with multiple tenants may be increased by twenty-five percent (25%).
- (ii) No monument sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within two hundred (200) feet of another monument sign.
- (iii) No monument sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within five hundred (500) feet of a residential use.
- (iv) A monument sign on a lot with multiple tenants shall be set back at least fifteen (15) feet from the front property line.

d. Design and Installation

- (i) No monument sign shall be located within a sight visibility triangle as provided in Section 4.2.9 unless exempt pursuant to Section 4.10.5.D.
- (ii) Any electrical service provided to a monument sign shall be underground.
- (iii) Monument signs shall be designed to withstand wind loads established by the Building Code.
- (iv) All monument signs shall be placed in concrete bases or footings.
- (v) Monument signs shall be landscaped around the base of the sign in an area equal to three feet for each square foot of sign and base area.
- (vi) An individual monument sign shall contain at a minimum a three-foot masonry base around all sides of the sign.
- (vii) A monument sign may incorporate a changeable copy or an electronic message center based on the standards of Section 4.10.7 and the allowances established in Table 4.10.10-1.

B. Pole Signs

Figure 4.10.10-2: Pole Sign Examples



1. Definition

A permanent detached or freestanding sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than 12 inches above the ground.

2. Standards

a. Generally

Table 4.10.10-2 establishes the standards for Pole Signs.

Table 4.10.10-2: Pole Sign Standards

Pole Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	✗	✗	✓	✗	✗	✓
Permit Required?	✓	--	--	✓	--	--	✓
Number per Lot (max.)	1	--	--	1	--	--	1
Dimensions							
Sign Height (max.)	15 ft	--	--	35 ft	--	--	35 ft
Sign Area (max.)	50 sf	--	--	200 sf	--	--	200 sf
Setbacks							
From Front Property Line	10 ft	--	--	10 ft	--	--	10 ft
From Adjacent Property Line	10 ft	--	--	10 ft	--	--	10 ft
From Another Detached Sign	50 ft	--	--	100 ft	--	--	100 ft
Features							
Electronic Message Center	✗	--	--	✓	--	--	✓

Pole Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Changeable Copy	NR	--	--	✓	--	--	✓
Internal Illumination	NR	--	--	✓	--	--	✓
External Illumination	NR	--	--	✓	--	--	✓
Halo Illumination	✘	--	--	✓	--	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✘ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply if pole falls within the sight visibility triangle then an eight (8) ft. clearance from ground to sign shall be required						

b. Number

- (i) This Subsection allows one (1) double-sided pole sign for each lot fronting a street for the sign districts shown in Table 4.10.10-2 unless the lot fronts multiple streets, in which an additional pole sign is allowed for each street frontage.
- (ii) No pole sign is allowed on a lot without frontage on to a street.

c. Location

Pole signs are only allowed if:

- (i) A lot fronts Interstate Highway 2, U.S. Highway 83, State Highway 336, 23rd Street North (FM 1926), and 23rd Street South (TX-115 SPUR).
- (ii) Located within a distance of one hundred (100) feet from the right-of-way line of the linear segment of that thoroughfare and situated so as to be viewed from that thoroughfare.

d. Multi-Tenant Allowances

- (i) The maximum sign area for a pole sign on a lot with multiple tenants may be increased by twenty-five percent (25%).
- (ii) No pole sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within two hundred (200) feet of another pole sign.
- (iii) No pole sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within five hundred (500) feet of a residential use.
- (iv) A pole sign on a lot with multiple tenants shall be set back at least fifteen (15) feet from the front property line.

e. Design and Installation

- (i) A pole sign may be located within a sight visibility triangle but shall provide an eight (8) foot vertical clearance from the ground to the bottom of the sign’s face as depicted in Figure 4.10.5-1: Sign Vertical Clearance.
- (ii) Any electrical service provided to a pole sign shall be underground.
- (iii) Pole signs shall be designed to withstand wind loads established by the Building Code.
- (iv) All pole signs shall be placed in concrete bases or footings.

- (v) All pole signs shall be landscaped around the base of the sign in an area equal to three square feet for each square foot of sign area.
- (vi) Pole signs shall not have attached any guys or braces.
- (vii) A pole sign may incorporate a changeable copy or an electronic message center based on the standards of Section 4.10.7 and the allowances established in Table 4.10.10-2.

C. Subdivision Entry Signs

Figure 4.10.10-3: Subdivision Entry Sign Examples



1. Definition

A specific monument sign located at the entry of a platted subdivision from a local, collector, or arterial street.

2. Standards

a. Generally

Table 4.10.10-3 establishes the standards for Subdivision Entry Signs.

Table 4.10.10-3: Subdivision Entry Sign Standards

Subdivision Entry Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	✓	✓	✓	✗	✗	✗	✗
Permit Required?	✓	✓	✓	--	--	--	--
Number per Entry (max.)	1	1	1	--	--	--	--
Dimensions							
Sign Height (max.)	6 ft	8 ft	8 ft	--	--	--	--
Sign Area (max.)	150 sf	150 sf	150 sf	--	--	--	--
Features							
Electronic Message Center	✗	✗	✗	--	--	--	--
Changeable Copy	✗	✗	✗	--	--	--	--
Internal Illumination	✗	✗	✗	--	--	--	--
External Illumination	✓	✓	✓	--	--	--	--
Halo Illumination	✓	✓	✓	--	--	--	--

Subdivision Entry Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-“ = the standard does not apply						

b. Number and Location

Two (2) subdivision entry signs may be located at the intersection of a local, collector, or arterial street and an entry street or private driveway into a subdivision. The signs shall be configured as follows:

- (i) Two (2) signs with one (1) sign face each located on opposite sides of the entry street or private driveway;
- (ii) One (1) sign with two (2) faces located within a landscaped area dividing two (2) one-way entry streets or private driveways; or
- (iii) One (1) sign located on one (1) side of the entry street or private driveway.

c. Design and Installation

- (i) Subdivision entry signs shall be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials.
- (ii) All subdivision entry signs shall be landscaped around the base of the sign in an area equal to three square feet for each square foot of sign area.
- (iii) When electrical service is provided to a subdivision entry sign, all electrical service shall be underground.

Section 4.10.11. Attached Signs

Attached signs are classified into one of the following sign types: wall signs, attached awning/canopy signs, hanging signs, grounded canopy signs, marquee signs, projecting signs, roof signs, skyline signs, or window signs. Their associated regulations are established in this Section. A building may have multiple attached signs, unless specified elsewhere in this Section.

A. Wall Signs

Figure 4.10.11-1: Wall Sign Examples



1. Definition

An attached sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface.

2. Standards

a. Generally

Table 4.10.11-1 establishes the standards for Wall Signs.

Table 4.10.11-1: Wall Sign Standards

Wall Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max.)	50 sf	50 sf	50 sf	100 sf	75 sf	75 sf	100 sf
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗

Wall Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Changeable Copy	✘	✘	✘	✘	✘	✘	✘
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✘ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

- b. Wall Signs for Multi-Tenant Buildings with Separate Storefronts
 - (i) Tenants in multi-tenant buildings with separate storefronts may each display wall signs on the storefront wall where the primary public entrance is located.
 - (ii) Wall signs shall be placed directly over the primary public entrance of the storefront.
 - (iii) The above requirements apply to multi-tenant buildings with multiple stories.
- c. Design and Installation
 - (i) A wall sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.
 - (ii) The wall sign's face shall not extend more than eighteen (18) inches from the surface of the wall to which it is attached.
 - (iii) A wall sign shall be located below the building's roof line.

B. Attached Awning/Canopy Signs

Figure 4.10.11-2: Attached Awning/Canopy Sign Examples



1. Definition

A permanent sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning or attached structural canopy.

2. Standards

a. Generally

Table 4.10.11-2 establishes the standards for Attached Awning/Canopy Signs.

Table 4.10.11-2: Attached Awning/Canopy Sign Standards

Attached Awning/Canopy Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2	R-3	C-2	M-2	C-C	I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max.)	25 sf	25 sf	25 sf	75 sf	50 sf	50 sf	75 sf
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗
Changeable Copy	✗	✗	✗	✗	✗	✗	✗
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	NR	NR	NR	✓	✓	✓	✓

Attached Awning/Canopy Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-“ = the standard does not apply						

- b. Instead of Wall Sign
 - (i) Attached awning/canopy signs may be displayed instead of a wall sign on any exterior wall on which a wall sign is allowed under this Section.
 - (ii) An attached awning/canopy sign shall not be displayed on the same wall as a wall sign.
- c. Attached Awning/Canopy Signs for Multi-Tenant Buildings with Separate Storefronts
 - (i) Tenants in multi-tenant buildings with separate storefronts may each display one (1) attached awning/canopy sign on the frontage where the primary public entrance is located.
 - (ii) Attached awning/canopy signs shall be placed directly over the primary public entrance of the storefront.
- d. Design and Installation
 - (i) Attached awning/canopy signs may be printed, attached, or directly applied to the surface of the awning/canopy covering.
 - (ii) An attached awning/canopy sign shall not extend from the surface of the awning/canopy to which it is affixed.

C. Grounded Canopy Signs

Figure 4.10.11-3: Grounded Canopy Sign Examples



1. Definition

A permanent attached sign that is affixed to a grounded canopy.

2. Standards

a. Generally

Table 4.10.11-3 establishes the standards for Grounded Canopy Signs.

Table 4.10.11-3: Grounded Canopy Sign Standards

Grounded Canopy Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2	R-3	C-2	M-2	C-C	I-2
General							
Allowed?	NR	✘	✘	✓	✓	✘	✓
Permit Required?	✓	--	--	✓	✓	--	✓
Number per Grounded Canopy (max.)	2	--	--	4	4	--	4
Dimensions							
Sign Area (cumulative max. per grounded canopy)	50 sf	--	--	200 sf	100 sf	--	200 sf
Features							
Electronic Message Center	✘	--	--	✓	✓	--	✓
Changeable Copy	NR	--	--	✓	✓	--	✓
Internal Illumination	NR	--	--	✓	✓	--	✓
External Illumination	✘	--	--	✘	✘	--	✘

Grounded Canopy Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Halo Illumination	✘	--	--	✓	✓	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✘ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet "--" = the standard does not apply						

b. Number

- (i) If a grounded canopy is allowed for the zoning district, one sign may be displayed on each frontage in which that grounded canopy is located.
- (ii) Grounded canopy signs are an additional allowance for signs provided by this Subsection.

c. Design and Installation

- (i) A grounded canopy sign shall affix flush against the surface of the face of the grounded canopy or as flush as possible while still allowing the plane of the face of the sign to remain perpendicular to the ground.
- (ii) The face of a grounded canopy sign cannot extend above the top surface of the face of the grounded canopy to which it is attached.

D. Hanging Signs

Figure 4.10.11-4: Hanging Sign Examples



1. Definition

A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.

2. Standards

a. Generally

Table 4.10.11-4 establishes the standards for Hanging Signs.

Table 4.10.11-4: Hanging Sign Standards

Hanging Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	✘	✘	✘	✓	✓	✓	✘
Permit Required?	--	--	--	✓	✓	✓	--
Number per Storefront (max.)	--	--	--	1	1	1	--
Dimensions							
Sign Area (max.)	--	--	--	16 sf	16 sf	16 sf	--
Sign Projection (max.)	--	--	--	3 ft	4 ft	4 ft	--
Features							
Electronic Message Center	--	--	--	✘	✘	✘	--
Changeable Copy	--	--	--	✘	✘	✘	--
Internal Illumination	--	--	--	✓	✓	✓	--
External Illumination	--	--	--	✓	✓	✓	--
Halo Illumination	--	--	--	✓	✓	✓	--
Additional Information							

Hanging Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Design and Installation

- (i) A hanging sign shall affix to the surface of the wall so that the face of the sign remains perpendicular to the ground.
- (ii) No hanging sign shall project above a street.

E. Marquee Signs

Figure 4.10.11-5: Marquee Sign Examples



1. Definition

A permanent attached sign affixed to a marquee.

2. Standards

a. Generally

Table 4.10.11-5 establishes the standards for Marquee Signs.

Table 4.10.11-5: Marquee Sign Standards

Marquee Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	×	×	×	×	×	✓	×
Permit Required?	--	--	--	--	--	✓	--
Number per Building (max.)	--	--	--	--	--	1	--
Dimensions							
Sign Area (max.)	--	--	--	--	--	100 sf	--
Sign Projection (max.)	--	--	--	--	--	8 ft	--
Features							
Electronic Message Center	--	--	--	--	--	×	--
Changeable Copy	--	--	--	--	--	✓	--
Internal Illumination	--	--	--	--	--	✓	--
External Illumination	--	--	--	--	--	✓	--
Halo Illumination	--	--	--	--	--	✓	--
Additional Information							

Marquee Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Number

One (1) marquee sign may be displayed in addition to other signs allowed in this Subsection.

c. Design and Installation

- (i) A marquee sign shall be located above the primary public entrance of a building.
- (ii) No marquee sign shall project above a street.

F. Projecting Signs

Figure 4.10.11-6: Projecting Sign Examples



1. Definition

A permanent attached sign type that is affixed to and projects 18 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy/awning, marquee, or roof.

2. Standards

a. Generally

Table 4.10.11-6 establishes the standards for Projecting Signs.

Table 4.10.11-6: Projecting Sign Standards

Projecting Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	✗	✗	✗	✗	✓	✓	✗
Permit Required?	--	--	--	--	✓	✓	--
Number per Storefront (max.)	--	--	--	--	1	1	--
Dimensions							
Sign Area (max.)	--	--	--	--	30 sf	30 sf	--
Sign Projection (max.)	--	--	--	--	4 ft	4 ft	--
Features							
Electronic Message Center	--	--	--	--	✗	✗	--
Changeable Copy	--	--	--	--	✗	✗	--
Internal Illumination	--	--	--	--	✓	✓	--
External Illumination	--	--	--	--	✓	✓	--

Projecting Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Halo Illumination	--	--	--	--	✓	✓	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet "--" = the standard does not apply						

b. Design and Installation

- (i) A projecting sign shall affix to the surface of the wall so that the face of the sign remains perpendicular to the ground.
- (ii) No projecting sign shall project above a street.

G. Skyline Signs

Figure 4.10.11-7: Skyline Sign Examples



1. Definition

A sign that is placed above the windows of the highest floor of a building that is at least multiple stories and taller than thirty-five (35) feet in height.

2. Standards

a. Generally

Table 4.10.11-7 establishes the standards for Skyline Signs.

Table 4.10.11-7: Skyline Sign Standards

Skyline Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	✗	✗	✗	✓	✓	✓	✗
Permit Required?	--	--	--	✓	✓	✓	--
Number per Building (max.)	--	--	--	4	4	2	--
Dimensions							
Sign Area (cumulative max. per building)	--	--	--	400 sf	400 sf	200 sf	--
Features							
Electronic Message Center	--	--	--	✗	✗	✗	--
Changeable Copy	--	--	--	✗	✗	✗	--
Internal Illumination	--	--	--	✓	✓	✓	--
External Illumination	--	--	--	✓	✓	✓	--
Halo Illumination	--	--	--	✓	✓	✓	--

Skyline Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-“ = the standard does not apply						

b. Design and Installation

- (i) A skyline sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.
- (ii) The skyline sign’s face shall not extend more than two (2) feet from the surface of the wall to which it is attached.
- (iii) Skyline signs shall not project above the roofline of the building.

H. Window Signs

Figure 4.10.11-8: Window Sign Examples



1. Definition

A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

2. Standards

a. Generally

Table 4.10.11-8 establishes the standards for Window Signs.

Table 4.10.11-8: Window Sign Standards

Window Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✗	✗	✗	✗	✗	✗	✗
Number per Window Facing Street (max.)	1	1	1	1	2	2	1
Dimensions							
Sign Area (max. percentage of window area)	15%	15%	15%	25%	50%	50%	25%
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗
Changeable Copy	✗	✗	✗	✗	✗	✗	✗
Internal Illumination	✗	✗	✗	✗	✗	✗	✗
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	✗	✗	✗	✗	✗	✗	✗
Additional Information							

Window Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Design and Installation

- (i) Window signs shall be posted or affixed to the window.
- (ii) No window sign shall be drawn or painted onto the window.

Section 4.10.12. Incidental Signs

Incidental signs are classified into one of the following sign types: general incidental signs, flags, speaker boards, or walk-up boards. Their associated regulations are established in this Section. A building or lot may have multiple incidental signs as allowed in this Section.

A. General Incidental Signs

Figure 4.10.12-1: General Incidental Sign Examples



1. Definition

A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as detached signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property. Examples of typical General Incidental Signs include house numbers, occupant directories, property or tenant identification names or numbers, wayfinding signs, and directional signs, and signs warning the public against trespassing or danger from animals.

2. Standards

a. Generally

Table 4.10.12-1 establishes the standards for General Incidental Signs.

Table 4.10.12-1: General Incidental Sign Standards

General Incidental Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Dimensions							
Sign Height (max. per sign)	6 ft	4 ft	4 ft	6 ft	6 ft	4 ft	6 ft

General Incidental Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Sign Area (cumulative max. per lot)	50 sf	50 sf	50 sf	100 sf	75 sf	50 sf	100 sf
Setbacks							
From Front Property Line	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft
From Adjacent Property Lines	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗
Changeable Copy	✗	✗	✗	✗	✗	✗	✗
Internal Illumination	NR	NR	NR	✓	✓	✓	✓
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	✗	✗	✗	✗	✗	✗	✗
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Number

- (i) There is no maximum general incidental sign per lot allowance.
- (ii) The sum of the general incidental sign area on a lot shall not exceed those established in Table 4.10.12-1.

c. Design and Installation

- (i) An attached general incidental sign shall affix flush against the wall of the building in which it is located.
- (ii) A detached general incidental sign shall have an enclosed base and be securely and firmly embedded in the ground.
- (iii) Incidental signs constructed in conjunction with a detached sign shall be consistent with the building elements and materials of those established on the same lot and within the development.

B. Speaker Boards

Figure 4.10.12-2: Speaker Board Example



1. Definition

A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

2. Standards

a. Generally

Table 4.10.12-2 establishes the standards for Speaker Boards.

Table 4.10.12-2: Speaker Board Standards

Speaker Board Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	✗	✗	✓	✓	✗	✗
Permit Required?	✓	--	--	✓	✓	--	--
Number per Lot (max.)	2	--	--	2	2	--	--
Dimensions							
Sign Height (max.)	8 ft	--	--	8 ft	8 ft	--	--
Sign Area (max.)	75 sf	--	--	75 sf	75 sf	--	--
Setbacks							
From Front Property Line	40 ft	--	--	40 ft	40 ft	--	--
From Adjacent Property Lines	10 ft	--	--	10 ft	10 ft	--	--
From a Residential District or Use	100 ft	--	--	100 ft	100 ft	--	--
Features							

Speaker Board Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Electronic Message Center	--	--	--	✓	✓	--	--
Changeable Copy	--	--	--	✓	✓	--	--
Internal Illumination	--	--	--	✓	✓	--	--
External Illumination	--	--	--	✓	✓	--	--
Halo Illumination	--	--	--	✗	✗	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet "--" = the standard does not apply						

b. Design and Installation

- (i) A speaker board shall provide no more than 3 feet and no less than 18 inches of horizontal separation from the curb or edge of the driveway the speaker board faces.
- (ii) Speaker boards shall provide a minimum landscaped area of two square feet per one square foot of sign area abutting the sign base.

C. Walk-Up Boards

Figure 4.10.12-3: Walk-Up Board Example



1. Definition

A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

2. Standards

a. Generally

Table 4.10.12-3 establishes the standards for Walk-Up Boards.

Table 4.10.12-3: Walk-Up Board Standards

Walk-Up Board Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	✘	✘	✘	✘	✓	✓	✘
Permit Required?	--	--	--	--	✘	✘	--
Number per Storefront (max.)	--	--	--	--	1	1	--
Dimensions							
Sign Area (max.)	--	--	--	--	12 sf	12 sf	--
Features							
Electronic Message Center	--	--	--	--	✘	✘	--
Changeable Copy	--	--	--	--	✓	✓	--
Internal Illumination	--	--	--	--	✓	✓	--
External Illumination	--	--	--	--	✓	✓	--
Halo Illumination	--	--	--	--	✘	✘	--
Additional Information							

Walk-Up Board Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Design and Installation

No walk-up board is allowed more than 3 feet from the public sidewalk adjacent to the side of the building to which it is affixed.

Section 4.10.13. Temporary Signs

Temporary signs are classified into one of the following sign types: general temporary signs, sidewalk signs, attached banners, detached banners, feather signs, or balloon signs. Their associated regulations are established in this Section. A building or lot may have multiple temporary signs as allowed in this Section. A temporary sign shall not be used as a placeholder for permanent signs (detached and attached signs) unless specified elsewhere in this Division.

A. General Temporary Signs

GRAPHIC PLACEHOLDER – INSERT HERE

1. Definition

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Examples of typical General Temporary Signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, garage sale signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of General Temporary Signs.

2. Standards

a. Generally

Table 4.10.13-1 establishes the standards for General Temporary Signs.

Table 4.10.13-1: General Temporary Sign Standards

General Temporary Sign Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	✗	✓	✓	✓	✓	✓	✓
Number per Lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Height (max.)	4 ft	4 ft	4 ft	6 ft	6 ft	4 ft	6 ft
Sign Area (max.)	35 sf	35 sf	35 sf	50 sf	35 sf	35 sf	50 sf
Setbacks							
From All Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Other Detached and Incidental Signs	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗
Changeable Copy	✗	✗	✗	✗	✗	✗	✗
Internal Illumination	✗	✗	✗	✗	✗	✗	✗
External Illumination	✗	✗	✗	✓	✓	✓	✓
Halo Illumination	✗	✗	✗	✗	✗	✗	✗
Additional Information							

General Temporary Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Duration

A general temporary sign may be displayed for:

- (i) Ninety (90) consecutive days over one calendar year, or
- (ii) Thirty (30) consecutive days three times during a calendar year, with each thirty (30) day period separated by at least fourteen (14) calendar days.

c. Design and Installation

- (i) A detached general temporary sign shall be securely and firmly embedded in or on the ground.
- (ii) A detached general temporary sign shall not use sandbags or other weighted objects to secure the sign to or in the ground.
- (iii) A general temporary sign shall not use an adhesive (tape, glue, etc.) to affix the sign to any surface.

B. Sidewalk Signs

Figure 4.10.13-1: Sidewalk Sign Example



1. Definition

A temporary and portable sign that is ordinarily in the shape of an “A” or inverted “T” with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway.

2. Standards

a. Generally

Table 4.10.13-2 establishes the standards for Sidewalk Signs.

Table 4.10.13-2: Sidewalk Sign Standards

Sidewalk Sign Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	✗	✗	✗	✓	✓	✓	✗
Permit Required?	--	--	--	✗	✗	✗	--
Number per Storefront (max.)	--	--	--	1	1	1	--
Dimensions							
Sign Area (max.)	--	--	--	12 sf	12 sf	12 sf	--
Features							
Electronic Message Center	--	--	--	✗	✗	✗	--
Changeable Copy	--	--	--	✓	✓	✓	--
Internal Illumination	--	--	--	✗	✗	✗	--
External Illumination	--	--	--	✗	✗	✗	--
Halo Illumination	--	--	--	✗	✗	✗	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet "--" = the standard does not apply						

b. Duration

All sidewalk signs shall only be displayed during a use's business hours.

c. Design and Installation

- (i) Sidewalk signs are not allowed in planter beds.
- (ii) Sidewalk signs are allowed only where a building is within a maximum setback, or where a front façade that includes an entryway open to the general public during normal business hours is within ten (10) feet of the edge of a public sidewalk.
- (iii) Sidewalk signs shall leave a 5 ft minimum, unobstructed sidewalk clearance or as otherwise required by the ADA and City fire lane requirements, whichever is greater.
- (iv) Sidewalk signs shall have no permanent attachments to the sidewalk.
- (v) Sidewalk signs shall be composed of wood, medium-density fiberboard, metal (iron or steel) frames, or other materials with equivalent weight and density. Sidewalk signs shall not be composed of plastic or similar materials.
- (vi) The sign face of a sidewalk sign may include a chalkboard or dry-erase board.

C. Attached Banners

Figure 4.10.13-2: Attached Banner Example



1. Definition

A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.

2. Standards

a. Generally

Table 4.10.13-3 establishes the standards for Attached Banners.

Table 4.10.13-3: Attached Banner Standards

Attached Banner Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max.)	35 sf	35 sf	35 sf	50 sf	35 sf	35 sf	50 sf
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Additional Information							

Attached Banner Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Duration

All attached banners shall meet the requirements established in Section 4.10.13.

c. Design and Installation

- (i) Attached banners shall not be attached to any window, door, or other sign.
- (ii) Attached banners shall not use an adhesive (tape, glue, etc.) to affix the attached banner to any surface.

D. Detached Banners

Figure 4.10.13-3: Detached Banner Example



1. Definition

A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

2. Standards

a. Generally

Table 4.10.13-4 establishes the standards for Detached Banners.

Table 4.10.13-4: Detached Banner Standards

Detached Banner Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Height (max.)	6 ft	4 ft	4 ft	6 ft	6 ft	6 ft	6 ft
Sign Area (max.)	75 sf	50 sf	50 sf	75 sf	50 sf	50 sf	75 sf
Setbacks							
From All Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Other Detached and Incidental Signs	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×

Detached Banner Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Changeable Copy	✗	✗	✗	✗	✗	✗	✗
Internal Illumination	✗	✗	✗	✗	✗	✗	✗
External Illumination	✗	✗	✗	✗	✗	✗	✗
Halo Illumination	✗	✗	✗	✗	✗	✗	✗
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✗ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-” = the standard does not apply						

b. Duration

All detached banners shall meet the requirements established in Section 4.10.13.

c. Design and Installation

All detached banners shall meet the requirements established in Section 4.10.13.

Section 4.10.14. Special Signs

Special signs are classified into one sign type – murals. Their associated regulations are established in this Section.

A. Murals

Figure 4.10.14-1: Mural Example



1. Definition

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include:

- a. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- b. Works containing electrical or mechanical components; or
- c. Works that involve changing or moving images or components.

2. Standards

a. Generally

Table 4.10.14-1 establishes the standards for Murals.

Table 4.10.14-1: Mural Standards

Mural Standards							
Zoning District →	ETJ	R-1	R-3	C-1	M-1	C-C	I-1
Requirement ↓	A-O	R-2		C-2	M-2		I-2
General							
Allowed?	NR	NR	NR	✓	✓	✓	✓
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Building (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max.)	50% of the building wall, excluding doors and windows				85% of the building wall, excluding doors and windows		
Features							
Electronic Message Center	✗	✗	✗	✗	✗	✗	✗

Mural Standards							
Zoning District → Requirement ↓	ETJ A-O	R-1 R-2	R-3	C-1 C-2	M-1 M-2	C-C	I-1 I-2
Changeable Copy	✘	✘	✘	✘	✘	✘	✘
Internal Illumination	✘	✘	✘	✘	✘	✘	✘
External Illumination	NR	NR	NR	✓	✓	✓	✓
Halo Illumination	✘	✘	✘	✘	✘	✘	✘
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed ✘ = no/not allowed NR = the sign type or characteristic is allowed for nonresidential uses only sf = square feet ft = feet “-“ = the standard does not apply						

b. Number

One mural may be displayed on a building in addition to other signs allowed in this Division.

c. Additional Approval Requirements

- (i) Due to murals providing unique design elements, murals viewable from public rights-of-way in A-O, R-1, R-2, and R-3 districts may only be approved by Planning and Zoning Commission. Any mural proposed in these districts shall meet the requirements of *Table 4.10.14-1*, and the requirements of this Subsection, below.
- (ii) The Planning and Zoning Commission’s review of proposed murals located in A-O, R-1, R-2, and R-3 districts, shall review the proposed mural based on the following factors:
 - (1) The mural uses durable, exterior grade paints and materials and weatherproof and ultraviolet-protective coatings;
 - (2) The mural uses colors that coordinate with the colors of the building;
 - (3) The mural is directed at and scaled to pedestrians;
 - (4) The mural does not overwhelm or hide character-defining features of a building;
 - (5) The mural is placed and sized to reinforce the building's architecture and its surroundings; and
 - (6) The mural is placed at similar heights and façade locations as adjacent buildings or tenants to provide an integrated block appearance.

Article 4.11. Infill Development Standards

Section 4.11.1. Purpose

The purpose of this Division is to accommodate and encourage compatible development in existing developed areas, while reinforcing the established character of those areas and mitigating adverse impacts on adjacent properties.

Section 4.11.2. Applicability

This Division applies to all development and redevelopment within McAllen’s corporate limits unless otherwise specified.

Section 4.11.3. Standards

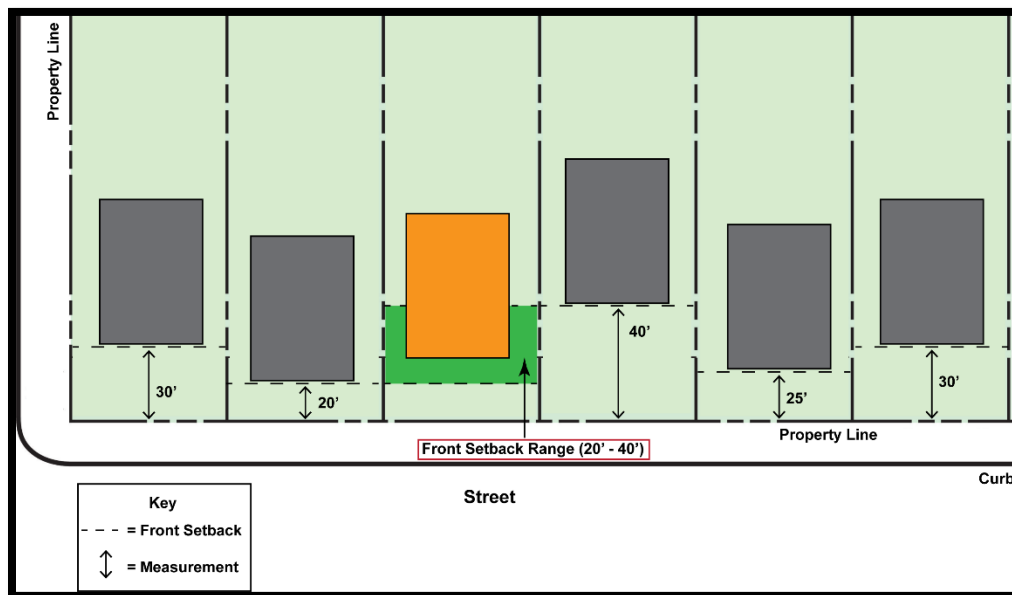
A. Generally

1. Infill development shall share a similar height to surrounding buildings.
2. The infill development shall reflect the architectural styles on either side along the block face.
3. The relationship between height, width, material, and style of existing facades shall be respected.
4. The infill development shall have consistent setbacks with the buildings on its block face.

B. Setbacks

1. The front setback for infill development shall be determined by assessing the as-built setbacks on the block face (see Figure 4.11.3-1: Infill Development Setback Range).
2. The infill development may be placed anywhere between the smallest and largest front setbacks on the block face (see Figure 4.11.3-1: Infill Development Setback Range).
3. All other setbacks shall meet the zoning district’s dimensional standards unless specified otherwise.

Figure 4.11.3-1: Infill Development Setback Range



C. Form Requirements

1. Buildings shall either be similar in size or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection.
 2. Color shades shall be used to facilitate blending the infill development into the block face. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood. If no specified range can be determined, then the infill development shall utilize earth tones.
 3. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.
 4. Building materials and windows shall not create excessive glare nor create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular and pedestrian safety and enjoyment of views.
- D. Building Height
1. The building height for infill development shall be determined by assessing the as-built building heights on the block face (see **Figure**).
 2. The building height for infill development may be placed anywhere between the shortest and tallest building height on the block face (see **Figure**).

Section 4.11.4. Minor Modifications

- A. If any rear, side, or corner side yard setbacks cannot be met due to site constraints, then a twenty-five percent (25%) setback reduction may be granted by a minor modification approved by the Director.
- B. The Director shall find that the minor modification:
 1. Is appropriate and necessary for the development,
 2. Does not adversely affect surrounding properties, and
 3. Is consistent with the purpose of this Division.
- C. Any reduction greater than twenty-five percent (25%) of the zoning district's required dimensional standards requires a variance.

Article 4.12. Performance Standards

Section 4.12.1. Purpose

The purpose of this Division is to establish regulations that protect the public from the potential negative effects of certain development by regulating the transmission of noise, vibration, odor, and harmful substances and emissions.

Section 4.12.2. Applicability

- A. The following regulations related to performance standards shall apply in addition to any other regulations and ordinances adopted by the City.
- B. This Division applies to all properties in the City unless otherwise specified.
- C. If this section conflicts with any other division of this UDC or the Code of Ordinances of the City of McAllen, the most restrictive standard shall govern.

Section 4.12.3. Noise

- A. It shall be unlawful for any person to willfully make, cause to be made, or continue any unreasonable noise within the City.
- B. Any unreasonable noise that is plainly audible as indicated below shall be considered prima-facie evidence of a violation of this section.
 - 1. At the property line of a property;
 - 2. Within thirty-five (35) feet of the noise source when the noise source is within a vehicle or on the public right-of-way; or
 - 3. Through the common wall in a building.
- C. Exemptions
 - 1. Activities directly connected with the abatement of an emergency, including construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspended violator of the law or when responding to, but not returning from a fire;
 - 2. Bells and chimes, or any device for the production or reproduction of the sound of bells or chimes from any religious land use, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m.; or
 - 3. Firework displays, which otherwise comply with the McAllen code.

Section 4.12.4. Water and Waste Pollution

- A. In accordance with Chapter 120 of the Code of Ordinances, no operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Texas Water Quality Board.
- B. In accordance with Chapter 120 of the Code of Ordinances, no discharge at any point shall be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with standards approved by the state health department or standards equivalent to those approved by such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharge shall comply with all applicable City ordinances.

Chapter 5. Subdivision Regulations

Article 5.1. Generally**Section 5.1.1. Purpose**

The purposes of this Article are to:

- A. Protect and provide for the public health, safety, and general welfare of the City.
- B. Ensure new development meets the goals and conforms to the objectives and policies of the City's Comprehensive Plan.
- C. Provide for orderly growth and land development.
- D. Provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
- E. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, with particular regard to the avoidance of congestion on the roads and highways, and provide for the proper location and width of roads and building lines.
- F. Establish reasonable standards for subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions of subdivided land.
- G. Facilitate the creation of accurate records of the separate interests created and conveyed by the subdivision of land, helping to protect private property rights.
- H. Ensure that public facilities and services are available concurrent with development and shall have a sufficient capacity to serve the proposed subdivision.
- I. Provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in this UDC.
- J. Promote sustainable land development practices.

Section 5.1.2. Subdivision Policy

- A. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation, and other facilities required by these regulations.
- B. All public and private facilities and improvements shall be of at least a minimum capacity necessary to adequately serve the development and shall conform to the City's Comprehensive Plan and applicable technical manuals, codes, and checklists, such as the *SDG*, which is maintained separately from the UDC.
- C. In addition to these regulations, a development subject to these regulations must comply with all other applicable ordinances, laws, and regulations adopted by the City expressly including:
 1. Building codes, zoning codes, flood protection regulations, and all other applicable laws and standards of the City and County;
 2. All applicable laws, rules and regulations of the federal government and the State of Texas and their duly constituted agencies; however, these references do not imply any responsibility for the City or the City's boards and commissions to enforce regulations imposed by other governmental authorities; and
 3. The Model Subdivision Rules as granted by the Texas Administrative Code, Title 31, Part 10, Chapter 364, and included in Section 5.1.3 of the UDC.

Section 5.1.3. Model Subdivision Rules

- A. Purpose

Model Subdivision Rules (MSRs) were developed by the Texas Water Development Board to ensure that an adequate supply of drinking water and sewer facilities are available to residential areas in accordance with state standards established by the Texas Department of Health and the Texas Commission on environmental Quality.

B. Compliance Required

1. Since enacted by the Texas Legislature in 1989, all counties adjacent to the Texas-Mexico border, including Hidalgo County, are required to adopt and enforce the Model Subdivision Rules.
2. The Model Subdivision Rules enable the City and the County to apply for grants and loans from the Texas Water Development Board's Economically Distressed Areas Program (EDAP), which encourages cost-effective water and wastewater systems to maximize long-term economic development of eligible areas.
3. Noncompliance can result in the loss of funding for future water and wastewater projects administered by the Retail Public Utility provider.

C. Program Goals

MSRs are intended to achieve the following goals:

1. Empower cities and counties to prevent the growth of substandard residential developments lacking water and wastewater infrastructures, roadways, gas and electricity;
2. Prevent residential lots from being sold if utilities are not in place; and
3. Assist economically distressed areas to obtain the necessary infrastructure for water and wastewater services.

D. Applicability

1. The MSRs apply to a subdivision that creates two (2) or more lots of five (5) acres or less intended for residential purposes.
2. Lots of five (5) acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

E. Minimum Standards for Water Facilities

1. The Director shall not approve a final plat or other plat type that creates two (2) or more lots of five (5) acres or less intended for residential purposes without confirming connection to an adequate and existing water facility permitted in Section 5.1.3.F.
2. A final plat or other plat type that is subject to the Model Subdivision Rules shall not be recorded with the County Clerk until the Director receives the required documentation for the water facility that shall be used for the subdivision as required in Section 5.1.3.F.
3. The Director may include the following condition of approval for any plat required to comply with the Model Subdivision Rules.
 - a. "The property owner shall not be allowed to record the plat subject to the Model Subdivision Rules without having an executed service agreement with the respective Retail Public Utility."

F. Acceptable Forms of Water Facilities

1. Public Water Facility
 - a. Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility provider.

Health and Safety Code, Chapter 366, rules in 30 TAC Chapter 285, in particular §§285.4, 285.5 and 285.30-285.39, and any Hidalgo County on-site septic system facility standards.

- d. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.
 - e. An applicant proposing to use an on-site sewage facility must receive approval of such system by the Hidalgo County Health Official before final plat or other plat type is recorded with the County Clerk.
- I. Minimum Standards for Greywater Systems for Reuse of Treated Wastewater.
1. The Director shall not approve a final plat or other plat type that creates two (2) or more lots of five (5) acres or less intended for residential purposes without receiving confirmation from the applicant that the greywater system was reviewed and approved by TCEQ.
 2. Any proposal for sewage collection, treatment and disposal that includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by TCEQ.
 3. Any proposal for on-site sewage disposal that includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

J. Plat Note Requirements

Plats subject to the Model Subdivision Rules must include the following information on the plat.

1. Dwelling Units Restriction Plat Note
 - a. No more than one single-family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat or other proposed plat type.
 - b. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals that include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

K. Plat Application Requirements

Per TAC, Title 31, Part 10, Chapter 364, Subchapter B, Division 3, a plat subject to the Model Subdivision Rules shall require a final engineering report and financial guarantee of improvements (if applicable) with the initial submittal of a plat application as listed below.

1. Final Engineering Report
 - a. The engineering report shall be signed and sealed by a professional engineer registered in the State of Texas.
 - b. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision as described in Section 5.1.3.E and Section 5.1.3.G of the UDC, and any other methodologies granted by the MSRs in TAC, Title 31, Part 10, Chapter 364, Subchapter B, Division 2.
 - c. A detailed cost estimate per lot acceptable to the utility service provider or the city shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities that are necessary to serve each lot of the subdivision.
 - d. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under TAC, Title 31, Part 10, Chapter 364, Rule 364.54, the schedule shall include the start dates and completion dates.
2. Financial Guarantee for Improvements

- a. If an adequate public or non-public water or wastewater system is not available from a retail public utility, or is not constructed by the subdivider to serve the residential development at the time final plat approval is sought, then the City shall require the owner to execute an agreement with the City and provide a financial guarantee through either a bond, irrevocable letter of credit, or other financial guarantee. The agreement shall be reviewed and approved by the City Attorney before the final plat is recorded with the County Clerk.
 - b. A financial guarantee required by this section shall be in a form approved by the City complying with the criteria in TAC, Title 31, Part 10, Chapter 364, Rule 364.54.
 - c. The City may establish and require a financial guarantee form to meet the requirements of this section.
- L. Review and Approval Criteria for Plats

The City shall not approve a plat that does not comply with this Section of the UDC, or any other provisions granted in Texas Administrative Code (TAC), Title 31, Part 10, Chapter 364. All documentation for adequate water and wastewater facilities is required before a plat is recorded with the County Clerk.

Article 5.2. Platting

Section 5.2.1. Requirements to Plat for the Subdivision of Land

- A. Per Texas Local Government Code Section 212.004, the owner of a tract of land located within the City's corporate limits or in the extraterritorial jurisdiction (ETJ) shall prepare a plat and record the plat with the County Clerk if they intend to divide the tract in two (2) or more parts to lay out a subdivision, lots, buildings, streets, alleys, squares, parks, or other parts of the tract for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks dedicated for public use.
- B. Any division of land subject to the provisions in Section 5.2.1.A requires a plat regardless of how the division of land was originally processed including:
 - 1. A division land made by using a metes and bounds description in a deed of conveyance; or
 - 2. A division of land made in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

Section 5.2.2. Platting Process

- A. Applicability
 - 1. This Article applies to all Applications for Platting of property within the City of McAllen and its Extraterritorial Jurisdiction (ETJ);
 - 2. This UDC intends to establish a process and procedure that complies with state law and provides both the City and the applicant to exercise their rights and responsibilities under Texas Local Government Code Chapter 212.
- B. Zoning Regulations Requirements

All requirements contained under Chapter 2, Chapter 3, and Chapter 4 apply to development and Subdivision under this UDC. All plats must meet the requirements of zoning and applicable portions of the Comprehensive Plan and be compatible with surrounding development.
- C. Procedural Requirements

All subdivision applications shall follow the procedures and requirements as provided in Chapter 6.

D. Park Dedication

1. Park dedication shall be made to the City with each final plat phase in proportion to the size of the phase being platted, unless an alternate scenario is approved by the City with approval of the preliminary plat.
2. All land proposed for park dedication must provide a means for public access, such as a public access easement or dedicated public roadway. If the land proposed for park dedication is not within the boundaries of the final plat, the required public access must be provided via separate instrument or other means acceptable to the City, prior to the recordation of the final plat.
3. If the City has determined that money shall be paid in lieu of park land dedication, then the payments shall be made with each phase in proportion to the size of the phase being platted.
4. See Section 5.3.18 for minimum requirements for parkland dedication.

E. Drainage

If provisions are necessary for drainage facilities on the unplatted future phases of the development or subdivision, then the final plat must include easement by separate instruments for off-site drainage and include appropriate notes and descriptions providing the City permission to access, and if requested by the City, maintain and improve the drainage system.

F. Phased Development

1. All phased developments shall be in accordance with the purpose of the Comprehensive Plan.
2. The City may establish maximum lot size limits and requirements for individual phases of a phased development in addition to limits based on the ability of the City, applicant, or other utility provider to provide to each phase. This includes, but is not limited to, adequate streets, water, wastewater, drainage facilities, water quality ponds, and parkland.
3. The preliminary plat shall reflect the planned phasing of the development. The Director may require a phasing plan indicating the anticipated sequencing of final plats.
4. The Director is authorized to approve changes to the phasing plan in consultation with the City Engineer if the changes shall not directly or indirectly result in major revisions or substantial changes.
5. Phased development shall be compatible with the surrounding land use plan and existing developments.
6. Each phase of development requires a final plat. Substantial changes to the development at the final plat phase may require a revised preliminary plat prior to approval of final plats for future phases.

Section 5.2.3. Platting in the Extraterritorial Jurisdiction (ETJ)

A. Generally

1. This Article as amended, extends to all of the area lying within the ETJ of the City of McAllen from and after the date this UDC is adopted, and as the ETJ may be modified through annexation or changes to the laws of the State of Texas.
2. The City shall not establish or enforce zoning regulations within the ETJ. However, the City may enforce development agreements in the ETJ.

B. Subdividing

No person shall subdivide or plat any tract of land within the ETJ of the City except in conformity with the provisions of this Article.

C. Water and Wastewater Utility Extensions

1. Applicability

A petition for approval to extend water or wastewater utility facilities under this Division applies only to land located within the City's ETJ and not already served by utilities.

2. Procedure
 - a. A petition for approval to extend water or wastewater utility facilities must be submitted to the applicable Public Utility Agency ("PUA"), or their successor or designee on a standard form issued by the PUA.
 - b. Upon granting of the petition, and concurrent with the filing of any application for development, the applicant must furnish to the City a certified letter from the PUA stating the minimum standards have been met.

Section 5.2.4. Platting Exemptions

A. Generally

1. The Director may exempt a property from platting through approval of a determination certificate if it complies with the platting exemptions in Section 5.2.4B.
2. Unmanned facilities, such as wireless communication facilities, or any type of use that is autonomous and does not require the use of water or wastewater may not be exempted from platting, unless they qualify with the platting exemptions in Section 5.2.4B.

B. Exemptions

A property is exempted from platting if it complies with one of the following exemptions.

1. 5 Acres or Greater with Adequate Public Facilities Exemption

Per Texas Local Government Code Section 212.004, division of land that is five (5) acres or greater where each part has access to an existing and improved public road and public improvements are being dedicated for public use.

2. Grandfather Clause Exemption

The grandfather clause, authorized by Texas Local Government Code Section 212.0045(a), exempts a property from platting if it complies with the following provisions:

- a. The boundaries of such parcel were fully described by one (1) or more title transfer instruments executed before October 15, 1973; and
- b. On or after such date, there has been no executions of title transfer instruments such that these instruments could subject such parcel to boundary alterations.

3. Public Utility Well Exemption

A property owner is exempted from platting if their sole purpose for platting is to convey land to the Rio Grande Regional Water Authority, the City, or the City's public utility board, and complies with the following provisions:

- a. A minimum two (2) acres or greater;
- b. The conveyance of the property is for the exclusive use of drilling or maintaining any water well used to produce potable water at any offsite reverse osmosis treatment plant; and
- c. Each driveway leading to the property is gated and locked to the public at the point where such driveway intersects a street for the exclusive use of the grantee.

4. Determination Certificate Requirements

- a. The application for a determination certificate shall require:
 - (i) A property survey signed and sealed by a registered surveyor licensed to practice in the state of Texas;
 - (ii) A title report dated no more than 30-days before the date the application is submitted to the city; and
 - (iii) A certified tax certificate from the Tax Appraisal District.
- b. A determination certification shall not be approved unless a property has at least twenty (20) feet of frontage on a public right-of-way or right-of-way easement that is at least forty (40) feet wide and is improved to an extent sufficient to allow reasonable usage by typical passenger vehicles.
 - (i) A property shall have at least twelve (12) feet of frontage onto a public right-of-way or right-of-way easement that is at least thirty (30) feet wide.

Section 5.2.5. Plat Types

This UDC establishes multiple plat types to effectively subdivide land in the City’s corporate limits and extraterritorial jurisdiction. These plat types are established below and their subsequent processes for approval are located in Article 6.3.

Table 5.2.5-1: Plat Type Summary

Plat Type Summary			
UDC Section	Plat Type	Use	Notes
Section 6.3.1	Preliminary Plat	Required before a Final Plat where infrastructure is required	
Section 6.3.2	Final Plat	Required to record subdivision of property	A Final Plat cannot be recorded until improvements have been properly installed and accepted or the appropriate surety for construction of the improvements has been filed with the City.
Section 6.3.3	Minor Plat	Final plats that already have the necessary infrastructure in place	
Section 6.3.4	Amending Plat	Minor revisions to a recorded Plat	
Section 6.3.5	Replat	Replat of currently platted lots without a Plat Vacation	
Section 6.3.6	Conveyance Plat	Plat remainder tracts into sellable lots	A conveyance plat does not authorize development and is not the first stage of the development process
Section 6.3.7	Plat Vacation	Vacate a previously recorded Plat	

Article 5.3. Subdivision Design Standards and Required Improvements

Section 5.3.1. Minimum Standards

- A. Generally
 - 1. No subdivision shall occur unless, and until it provides the minimum levels of service required by this UDC.

2. The applicant shall dedicate, construct, or upgrade required public facilities to a capacity that meets the standards in Section 5.3.3.
3. For each category of public facilities, the City requires a minimum standard of infrastructure based upon historic studies and construction projects of the City and other cities, which the City may publish and update from time to time in its technical manuals, such as the *SDG*.
4. The minimum standards reflect the minimum public facilities required to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by McAllen citizens.
5. All private facilities must be designed to public facilities standards.

B. Applicability

These standards apply to any development as required in this UDC unless specified otherwise. These standards also apply to those developments in the ETJ.

Section 5.3.2. Rough Proportionality and Fair Share Policy

- A. The City requires that each subdivision contribute a fair and proportional share of the costs of providing adequate public facilities, consistent with Texas Local Government Code Section 212.904.
- B. The City finds a direct correlation between increased demand on public facilities created by new a subdivision and the City's requirements to dedicate public right-of-way and easements, and to construct a fair and proportional share of public facilities.
- C. A fair and proportional share is the applicant's portion of the costs of public facilities as determined by the City Engineer in conformance with State Law, which may be satisfied through dedication of public right-of-way or easements, the payment of fees, or payment of construction costs.
- D. The intent of this Article is to provide standards for construction and dedication of public facilities that are roughly proportional to the nature and extent of the impacts created by the proposed subdivision on public facilities, including roadway, storm drainage, or parks systems.
- E. For relief to the requirements of this Article, see Section 6.4.5.

Section 5.3.3. Adequate Public Facilities

A. Services Required

Land proposed for subdivision in the City and in the City's extraterritorial jurisdiction (ETJ) must provide adequate public facilities, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities, and park and open space facilities.

B. Adequate Public Facilities not Exclusive to City-Owned Facilities

The term "Adequate Public Facilities" may refer to any public or private facility, which may be owned by the City or another public or private entity, so long as the facility is designed, constructed, and maintained to the standards of this UDC and the City's Technical Manuals.

C. Approval Timing

The City shall not approve a subdivision unless the applicant provides adequate public facilities.

Section 5.3.4. Conformance to Plans and Codes

Design and construction of public facilities must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

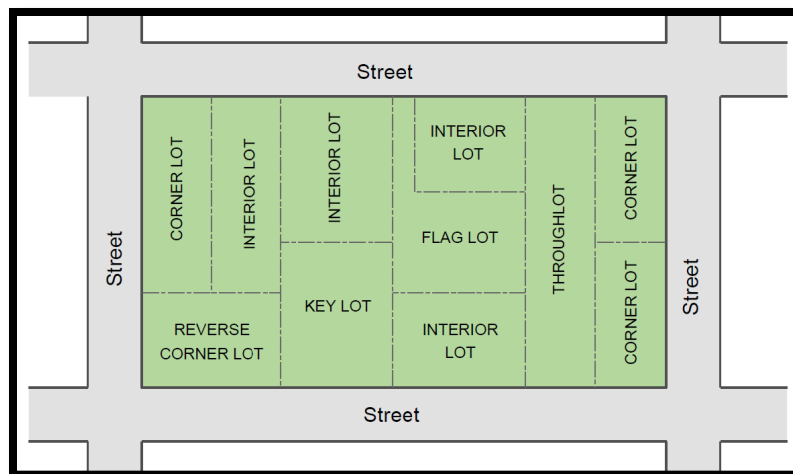
- A. The City's Thoroughfare Plan;

- B. The Texas Uniform Traffic Control Device Manual;
- C. American Association of State Highway Transportation Officials Design Manual;
- D. Texas Health Code;
- E. The City's Engineering Criteria Manual;
- F. Texas Water Code; and
- G. All other adopted codes and ordinances of the City.

Section 5.3.5. Lots

- A. Lot Design
 - 1. Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the type of development and use contemplated, and shall meet the requirements of the Chapter 2 of this UDC.
 - 2. Figure 5.3.5-1: Lot Types is provided for illustrative purposes only and is not intended to represent examples of conforming lots under this UDC.

Figure 5.3.5-1: Lot Types



- B. Lot Frontage

Every lot shall have frontage on, and access to, a public street or private street (including alleys) meeting right-of-way standards. Refer to Chapter 2 for frontage requirements within the City. The minimum frontage within the ETJ shall be thirty (30) feet.
- C. Lot Frontage Restrictions for Single-Family Lots on Arterial and Collector Streets

If a property with frontage along an arterial street (or greater street section) is proposed to be subdivided or developed, the City is authorized to restrict access to the respective street and require that the developer create lots that back onto the arterial street and front onto and take access from a local or collector street in conjunction with the installation of a fence, wall, or vegetative visual screen satisfying the requirements of Article 4.6 and Article 4.7 along the arterial street frontage to buffer the residential lots from the arterial street.
- D. Right Angles for Side Property Lines

All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule shall provide an improved street and lot layout, as determined by the City Engineer.

E. Through Lots, Corner Lots, Reverse Corner Lots, and Flag Lots

1. Through lots and reverse corner lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
2. A double frontage lot shall be permitted one driveway along a local or collector street. A driveway along an arterial street is prohibited.
3. Through lots require front setbacks on both frontages established in accordance with the underlying dimensions established in Chapter 2
4. Proposed through lots meeting the criteria of this Section 5.3.5.E may be approved by waiver pursuant to Section 6.4.4.
5. Sidewalks are required along each street frontage (refer to **Figure**).
6. Flag Lots are prohibited.

F. Double Frontage Lots

A front yard building setback shall be provided along each side of the lot fronting onto a street in accordance with the governing zoning district.

G. Lots with Septic Tanks

1. Lot served by a septic system shall be a minimum one (1) acre in size or the minimum lot area required by the Hidalgo County Health Official to accommodate adequate drainage fields and to meet the standards set forth by the state.
2. Any lot or subdivision proposing to use a septic system must receive approval of an on-site sewage facility permit from the Hidalgo County Health Official and McAllen Public Utilities.

H. Land Subject to a 100-year Flood

1. Any land that, in its natural state, is subject to a 100-year flood or that cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the developer can be expected to yield a usable building site (i.e., Flood Study and FEMA Conditional Letter of Map Revision).
2. Thereafter, the responsible approval authority (refer to Table 6.1.4-1) may recommend approval of the plat; however, building construction upon that land shall be prohibited until the specific drainage improvements have been planned, construction completed, received approval from Public Utilities, and a Letter of Map Revision been received from FEMA.

I. Lots Under Common Ownership

1. The Director may approve lots intended to function under common property ownership if the lots are dedicated on a final plat for the use, ownership, and management of a Property Owners' or Homeowners' Association as provided in Section 5.3.7.
2. Condominium development, on a legal lot of record, may divide property in a manner consistent with the UDC, Section 5.3.7, and Texas Property Code Chapter 82.

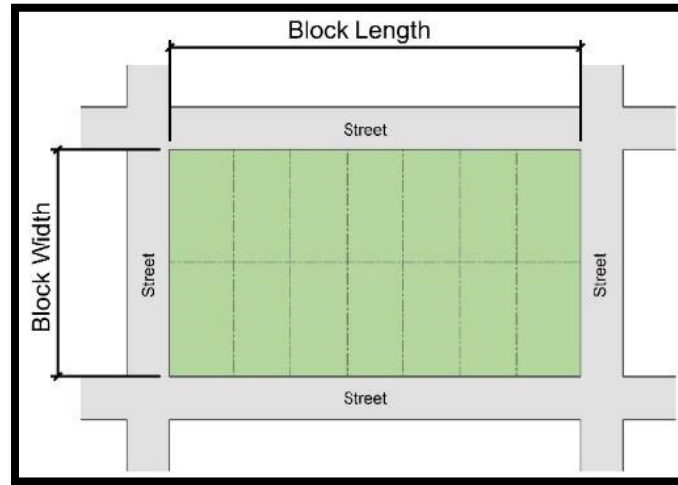
Section 5.3.6. Blocks

A. Generally

The size and shape of blocks must be suitable for the proposed development and be laid out in a pattern that ensures the connectivity of streets and nonmotorized travel routes and provides for efficient provision of public and safety services.

B. Block Measurement

Figure 5.3.6-1: Block Measurements



1. Block Length

The length of a block shall be the distance from property corner to property corner measured along the property line of the block face (see Figure 5.3.6-1: Block Measurements).

- a. Of greatest dimension; or
- b. On which the greatest number of lots face.

2. Block Width

The width of a block shall be the distance from property corner to property corner measured along the property line of the block face (see Figure 5.3.6-1: Block Measurements).

- a. Of least dimension; or
- b. On which the fewest number of lots face.

3. Block Measurement Factors

The length, width, and shapes of blocks shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- b. Zoning district requirements for lot sizes and dimensions;
- c. Needs for convenient access, circulation, control, and safety of street traffic;
- d. Limitations of topography; and
- e. Compatibility with efficient development of public facilities as established by surrounding developments.

C. Block Length

1. Nonresidential Block Length

Block length in nonresidential zoning districts shall not exceed one thousand (1,000) feet or ten (10) times the minimum lot width permitted in that district, whichever is greater.

2. High Density Residential and Mixed-Use Development Block Length

Block lengths in the R-3, M-1, M-2, and C-C districts shall not exceed six hundred (600) feet.

3. Low Density Residential Block Length

- a. Block length in the R-1 and R-2 districts and in the ETJ shall be between two hundred (200) and eight hundred (800) feet or twelve (12) lots, whichever is less.

- b. If residential lots back up to a commercial use, drainage area, or to an arterial street, then there is no restriction on the block length or the maximum number of lots. However, there shall be pedestrian walkways to connect the commercial lots unless determined they are impractical by the City Engineer. Block length and number of lot requirements apply to the opposite side of the residential street, stub-outs, as well as the remainder of the subdivision including the perimeter of the subdivision.

- (i) If the residential lots back up to a commercial use, the subdivision must provide at least one (1) pedestrian walkway to connect the commercial lots to the residential lots, unless the City Engineer determines a connection is impractical. The walkway may be gated to prevent two-way access.

- (ii) Where residential development faces both sides of a street, the required block length and restriction on the number of lots along the block applies to the opposite side of the residential street, including stubbed-out streets.

4. In cases where physical barriers, property ownership, adjacent development, or individual usage creates conditions where it is appropriate that these standards be varied then, upon approval by the Director, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

- D. Connectivity Index

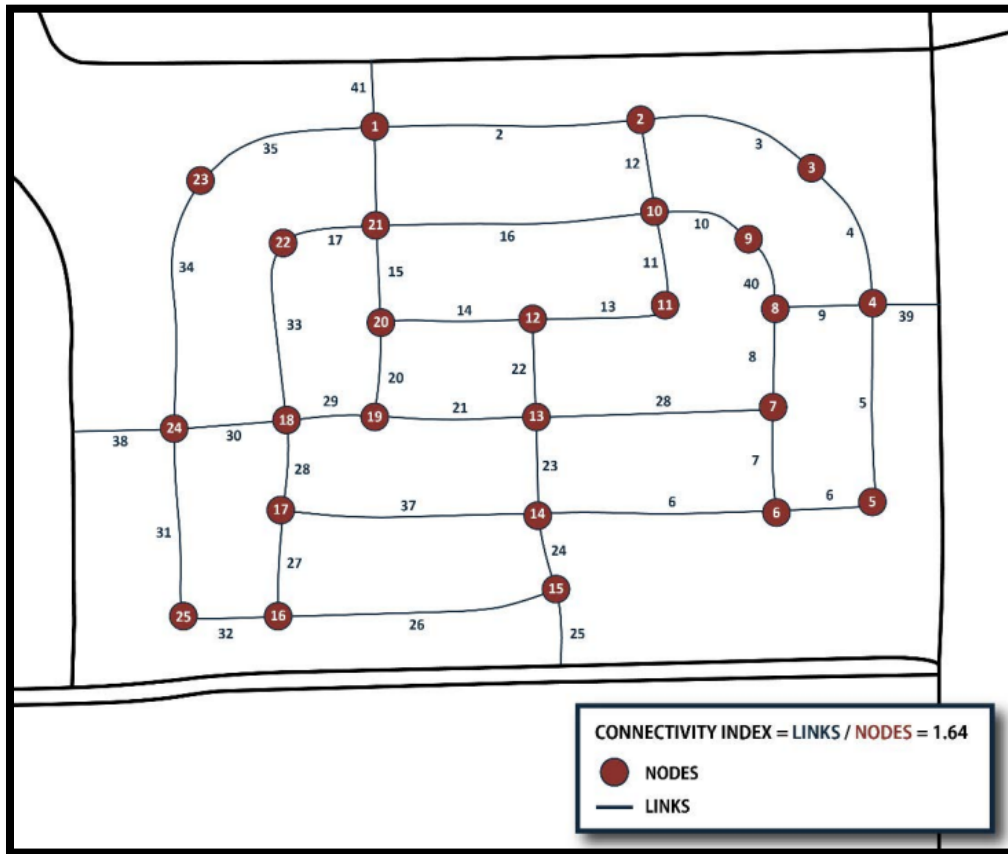
1. The connectivity index of a development indicates the level of connectedness within a subdivision. Higher numbers result in more accessible and walkable neighborhoods; lower numbers result in fewer connections and more dead-end streets.

2. A new subdivision shall have a connectivity index of 1.40 or higher.

3. Connectivity Index Calculation

The connectivity index is determined by the number of links divided by the number of nodes (refer to Figure 5.3.6-2: Connectivity Index Example).

Figure 5.3.6-2: Connectivity Index Example



- a. Links are non-arterial roadway segment connecting that connect the nodes (excludes alleys).
- b. Nodes are the intersection and terminus of non-arterial streets.
 - (i) Nodes include any location where a street name changes; and
 - (ii) Any curve that exceeds seventy-five (75) degrees.

Section 5.3.7. Property or Homeowners Association

A. Applicability

When a subdivision contains common areas, common property, or other improvements not intended to be dedicated to the City for public use, a Homeowners’ or Property Owners’ Association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state laws.

B. Dedication of Common Areas

The common areas shall be shown on the final plat along with an adequate form for dedication. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners’ or Property Owners’ Association; and
2. Express a definite undertaking by the subdivider to convey the common properties to the Homeowners’ or Property Owners’ Association.

C. Membership

A Homeowners' or Property Owners' Association shall be an incorporated nonprofit organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.
3. All maintenance of street lights and right-of-way pavement, financially and physically, is the responsibility of the Homeowners' or Property Owners' Association.

D. Legal Requirements

To ensure the establishment of a permanent Homeowners' or Property Owners' Association including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, nonprofit Homeowners' or Property Owners' Association;
2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically shall be so placed within a reasonable, definite time;
3. Appropriately limit the uses of the common property;
4. Give each lot owner the right to the use and enjoyment of the common property;
5. Place responsibility for operation and maintenance of the common property in with the Homeowners' or Property Owners' Association;
6. Provide for or place an association charge or assessment on each lot in a manner that shall assure enough association funds to maintain the common property or improvements;
7. Give each lot owner voting rights in the association; and
8. Identify the land area within the association's authority including, but not limited to, the following:
 - a. The property to be transferred to public agencies;
 - b. The individual residential lots;
 - c. The common properties to be transferred by the developer to the Homeowners' or Property Owners' Association; and
 - d. Other parcels.

E. Protective Covenants

Protective covenants shall be developed that, including, but not limited to, shall make the Homeowners' or Property Owners' Association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. Procedure

Prior to recording the plat, the applicant shall:

1. Draft the articles of incorporation of the Homeowners' or Property Owners' Association, its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the Director for approval;

3. After approval, create an incorporated nonprofit corporation;
 4. Record approved covenants, at the County Clerk’s office, which automatically make every lot owner a member of the association, give the owners the right to use the common property, and establish voting rights and obligations to pay assessments;
 5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to final plat approval; and
 6. Pay attorney fees for document review.
- G. Maintenance, Repair, or Capital Improvements

Any maintenance, repair, or capital improvement effort made to Homeowners’ or Property Owners’ Association property or facilities by the City as a result of non-performance or negligence on the part of the association shall be assessed between the various association members in proportion to the taxable value of their properties.

Section 5.3.8. Sidewalks

- A. Purpose
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City;
 2. Implement the objectives and strategies of the Comprehensive Plan and other adopted plans;
 3. Require subdivisions to connect to existing and proposed City trail systems to enhance city-wide connectivity;
 4. Require sidewalks with new development and redevelopment of infill sites where sidewalks do not currently exist; and
 5. Incorporate the flexibility for a property owner to either construct a sidewalk or pay a fee-in-lieu into the City’s sidewalk fund when a subdivision plat is approved.
- B. Minimum Sidewalk Requirements
1. Sidewalks shall comply with the sidewalk design requirements provided in the *SDG*.
 2. All sidewalks shall conform to American with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) requirements and barrier free ramps shall be provided for access to the street.
 3. All sidewalks shall be constructed in the public right-of-way and set back a minimum of five (5) feet from the street curb. The City Engineer may alter the alignment and minimum sidewalk setback to address geographical site constraints and enhance safety as established in the *SDG* and in conformance with standard engineering practices.
 4. If the available right of way between the curb and adjacent property line is of insufficient size to accommodate the requirements of this Section, the City Engineer may approve an alternative sidewalk design.
 5. If the reconfiguration of a sidewalk makes the sidewalk to be partially located on private property, the applicant shall dedicate a pedestrian access easement for the portion of the sidewalk on private property to ensure it is accessible to the public.
 6. Sidewalks shall be designed to meet the minimum dimensions provided in the *SDG*. The City Engineer may require the end(s) of a proposed sidewalk be tapered when connecting to an existing sidewalk to allow for a better transition from the new sidewalk to the existing sidewalk.
 7. The City shall require a sidewalk along the entire street frontage of the lot when the property owner submits:

- a. An application to subdivide or plat their property;
 - b. A building permit application to construct a new structure or modify an existing structure on a lot that currently does not have a sidewalk; or
 - c. An application or permit for a property modifying or expanding an existing structure by more than twenty-five (25%) percent of the existing gross floor area.
8. A sidewalk shall be required along the entire street frontage of a lot, including those lots with double or multiple frontages where sidewalks shall be provided along each street frontage.
 9. When a stubout is provided to an adjoining property the applicant shall extend the sidewalk along the entire length of the stubout. A multi-lot or master planned subdivision where the applicant is constructing the entire width of the internal subdivision street or stubout the sidewalk shall be constructed on both sides of the street.
 10. Sidewalks shall be required along state facilities and shall meet the minimum dimensions provided in the *SDG*.
 11. Sidewalks shall be constructed in accordance with the requirements of Section 5.3.8.E.
 12. The property owner shall assume the responsibility of installation, maintenance, and repair of the required sidewalks along the frontage(s) upon occupying the structure on the lot. The City shall not be liable for any sidewalk implementation or construction costs.
 13. The maintenance and repair of sidewalks is the responsibility of each individual property owner. The City reserves the right to inspect all sidewalks within City rights-of-way and to notify property owners to make repairs when their sidewalks become unsafe.
- C. Exemptions
- An applicant may be exempt from constructing a sidewalk by paying a fee-in-lieu if they satisfy the conditions in which the fee-in-lieu option may be used as expressed in Section 5.3.8.H.
- D. Sidewalks for Multi-Lot Subdivisions
- In addition to the provisions in Section 5.3.8.B, multi-lot and master planned subdivisions shall comply with the following provisions.
1. Sidewalks shall be constructed on both sides of all internal subdivision streets (refer to **Figure**).
 2. Sidewalks shall be constructed along the perimeter streets of the subdivision (refer to **Figure**).
 3. The applicant shall provide a connection to the City's existing trails system from internal subdivision sidewalk(s) whenever an existing City trail system is near the proposed subdivision (**refer to Figure**).
- E. Timing of Sidewalk Construction
1. Multi-Lot and Master Planned Subdivisions
 - a. Sidewalks may be constructed by the applicant, builder, or property owner on an individual lot basis with the construction of the residential structure on each lot.
 - b. The Building Official shall not approve a residential building permit until the applicant, builder or property owner has provided a sidewalk plan or plot plan in the building plan set showing compliance with the applicable provisions of the City's sidewalk requirements.
 - c. An applicant, builder or property owner may not pay a sidewalk fee-in-lieu when the development of the residential lot is a part of a multi-lot or master planned subdivision.

- d. The sidewalk shall be constructed before a residential certificate of occupancy is issued by the Building Official.
- 2. Commercial and Residential Infill and Redevelopment
 - a. New sidewalk construction, modification, or rehabilitation of existing sidewalks for commercial and residential infill lots shall comply with the Section 5.3.8.B; and
 - b. Shall be shown on a sidewalk plan or plot plan that is included in the building plan set submitted as part of a building permit application reviewed and approved by the Building Official.
 - c. In limited circumstances, as noted in Section 5.3.8.H may a property owner be exempt from constructing a sidewalk at the time the lot is developed or redeveloped for commercial or residential purposes.
 - d. If the applicant is eligible to pay sidewalk fee-in-lieu as noted in Section 5.3.8, the applicant shall pay for the sidewalk fee-in-lieu before the building permit application is approved by the Building Official.
 - e. Except for lots that pay a sidewalk fee-in-lieu, a sidewalk shall be constructed and fully installed to the City's specifications before a certificate of occupancy is issued by the Building Official.
- F. Sidewalk Compliance During the Platting Process
 - 1. All subdivision applications shall include a sidewalk plan with the initial submittal of a plat application.
 - a. If the applicant is eligible to pay sidewalk fee-in-lieu as noted in Section 5.3.8.H, the applicant shall submit a letter signed by the property owner confirming the desire to pay a sidewalk fee-in-lieu with the initial submittal of a plat application.
 - 2. The purpose of the sidewalk plan is to ensure that the required sidewalk is placed and constructed in conformance with the minimum sidewalk requirements of Section 5.3.8.B of and any other applicable provisions of the City's sidewalk requirements.
 - a. If the applicant is exempt from constructing a sidewalk and is eligible to pay a sidewalk fee-in-lieu as noted in Section 5.3.8.H, the applicant shall be required to pay the sidewalk fee-in-lieu before the plat is recorded with the County Clerk.
 - 3. A sidewalk plan submitted with a building permit application, as expressed in Section 5.3.8.E, shall comply with the sidewalk plan originally approved with the associated plat application.
 - a. Minor adjustments to sidewalk placement may be administratively approved with the building permit application if the proposed changes were incorporated to address geographical site constraints or safety concerns, subject to review and approval of the Building Official in coordination with the City Engineer.
 - b. The applicant shall submit a sidewalk plan in compliance with all applicable provisions of the City's sidewalk requirements of the associated plat approval did not include a sidewalk plan.
- G. Sidewalk Plan Criteria

A sidewalk plan shall show the following information:

 - 1. All lots reflected on the associated plat with accurate bearings and distances, lot numbering and subdivision information.
 - 2. The entire width of the public right-of-way(s) in which the sidewalk(s) is proposed.
 - 3. Location of right-of-way pavement in reference to proposed sidewalk(s).
 - 4. Sidewalk width, length, landings and curb ramps.

5. Sidewalk design specifications and construction details; and
6. Identify the party responsible for the construction of the sidewalk(s), and the timeframe in which the sidewalk shall be constructed by the responsible party.
7. The following notes shall be included on the sidewalk plan:
 - a. There shall be no vertical obstructions within the sidewalk.
 - b. The contractor shall contact the Building Official for an on-site inspection before pouring concrete.
 - c. All construction within the right-of-way shall comply with the Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) requirements in effect at the time activities are performed.

H. Sidewalk Fee-In-Lieu

A fee-in-lieu shall only be accepted by the City in the following circumstances:

1. There are no existing sidewalks within one thousand (1,000) feet of the subject property in which the property owner could connect the new sidewalk; or
2. Unique topography, natural resource constraints or other factors exist on the subject property that make the installation of a sidewalk impractical subject to review and approval of the City Engineer.
3. The fee and the value of the sidewalk improvement shall be assessed by the City Engineer and shall constitute the cost of constructing a sidewalk along the entire street frontage of a lot per the City's sidewalk design standards.

Section 5.3.9. Street Design Standards

A. Purpose

The purpose of this Section is to ensure adequate and safe pedestrian and vehicle circulation within the City and ETJ, and into adjoining areas.

B. Generally

1. All lots shall have access to a public street or a private street.
2. The applicant shall be responsible for the costs of right-of-way and street improvements, in accordance with the policies and standards of this Section.
3. The construction of new streets or the modification of existing streets shall comply with the minimum right-of-way dedication requirements in Section 5.3.9C.
4. New sidewalks shall connect to existing sidewalks or trails.
5. The City may prescribe vertical or horizontal geometric design features to streets to facilitate bike and pedestrian traffic and to slow auto traffic in areas intended for bike and pedestrian traffic. These features may include speed tables, horizontal curves, medians, chicanes, curbs, drive aprons, or other measures as approved by the City Engineer.

C. Minimum Right-of-Way Dedication

1. All streets within the City and the ETJ shall be designed and constructed complete streets with curb and gutter, unless specified otherwise, in accordance with this Section and the City's specifications in the *SDG*.
2. All new development within the City and ETJ are subject to the requirements in Section 5.3.9.E and shall dedicate the minimum public right-of-way pursuant to the requirements provided in this Section.
3. These regulations do not apply to those streets owned and maintained by the State.

D. Right-of-Way Dimension

The minimum right-of-way dedication for subdivisions abutting an existing street shall comply with the following provisions:

1. The applicant shall dedicate at least half of the ultimate right-of-way width required for the existing adjacent street in accordance with the requirements of Section 5.3.9C.
2. The minimum right-of-way dedication for the adjacent street shall be based on the geometric centerline of the right-of-way.
3. The City Engineer may require additional right-of-way for substandard perimeter streets to address safety, design, topography, or additional design features for traffic management considerations.

E. Street Typology

1. Generally

- a. This Section allows for the flexible development of street types set apart from the street types implemented through the Transportation and Mobility Chapter of the Comprehensive Plan shown in this Subsection.
- b. The street types established in this Section must also comply with the provisions of this Article.
- c. The intent of the new street types is to provide a palette of street typologies and design elements that reflect the character of different areas within McAllen.
- d. The new street types provide adequate travel lanes for vehicles, cyclists, and pedestrians.
- e. All streets shall meet the streetscaping standards as established in this Subsection and Section 5.3.9.F, unless specified otherwise.
- f. The City supports the use of context, sensitive design solutions and complete streets and shall review projects on a case by case basis for conformance with these concepts.
- g. The street typical cross-sections displayed in this section provide a guide to balancing the needs of all modes of travel. Modifications to these typical cross sections may be made by the designated approval authority.
- h. The appropriate street typical cross section shall be approved by the designated approval authority based on both engineering and land use context factors, including anticipated vehicle volumes.
- i. Administrative design adjustments approved by the designated approval authority may be appropriate when an existing building would impede roadway expansion when transitioning from a different street section, or where strict compliance with this UDC would pose a safety hazard.

2. Context Summary

Street types are designed based on zoning district context. The following contexts are established in Table 5.3.9-1.

Table 5.3.9-1: Context Summary

Context Summary	
Context	Zoning District
Urban	M-1
	M-2
	C-C
Suburban	R-1

Context Summary	
Context	Zoning District
	R-2
	R-3
	C-1
	C-2
	I-1
	I-2
Rural	A-O

3. Street Types by Context

Streets shall meet the requirements in their given context as established in Table 5.3.9-2, Table 5.3.9-3, and Table 5.3.9-4.

a. Urban Context.

Table 5.3.9-2: Urban Context Streets

Street Typology									
Street Type	ROW					Streetscape			
	A	B	C	D	E	F	G	H	I
	Min. ROW Width	Min. Pavement Width	Number of Travel Lanes	Min. Travel Lane Width	Median	Min. Streetscape Width	On-Street Parking	Sidewalk	Traffic Calming Measure at 800ft or Greater Block Lengths
High Speed Arterial	150'	48'	4	12'	R (14')	60'	N	R	R
Principal Arterial	100'	44'	4	11'	R (14')	40'	O	R	R
Minor Arterial	80'	44'	4	11'	O (14')	30'	R	R	R
Collector	60'	22'	2	11'	R (14')	24'	R	R	R
Parkway	60'	22'	2	11'	R (10')	24'	R	R	R
Green Street	60'	20'	2	10'	R (10')	24'	R	R	R
Local (Residential)	28'	20'	2	10'	N	12'	R	R	R
Local (Nonresidential)	32'	22'	2	11'	O (10')	12'	R	R	R
Key	N = Not Allowed R = Required O = Optional								

b. Suburban Context.

Table 5.3.9-3: Suburban Context Streets

Street Typology									
Street Type	ROW					Streetscape			
	A	B	C	D	E	F	G	H	I
	Min. ROW Width	Min. Pavement Width	Number of Travel Lanes	Min. Travel Lane Width	Median	Min. Streetscape Width	On-Street Parking	Sidewalk	Traffic Calming Measure at 800ft or Greater Block Lengths
High Speed Arterial	150'	48'	4	12'	R (14')	40'	N	R	R
Principal Arterial	120'	48'	4	12'	R (14')	40'	N	R	R
Minor Arterial	100'	44'	4	11'	O (14')	30'	O	R	R
Collector	80'	22'	2	11'	R (14')	20'	O	R	R
Parkway	80'	22'	2	11'	R (10')	20'	R	R	R
Green Street	80'	20'	2	10'	R (10')	24'	R	R	R
Local (Residential)	32'	20'	2	10'	N	12'	R	R	R
Local (Nonresidential)	38'	22'	2	11'	O (10')	12'	R	R	R
Key	N = Not Allowed R = Required O = Optional								

c. Rural Context.

Table 5.3.9-4: Rural Context Streets

Street Typology									
Street Type	ROW					Streetscape			
	A	B	C	D	E	F	G	H	I
	Min. ROW Width	Min. Pavement Width	Number of Travel Lanes	Min. Travel Lane Width	Median	Min. Streetscape Width	On-Street Parking	Sidewalk	Traffic Calming Measure at 800ft or Greater Block Lengths
High Speed Arterial	150'	48'	4	12'	R (14')	40'	N	R	R
Principal Arterial	100'	48'	4	12'	R (14')	30'	N	R	R
Minor Arterial	90'	48'	4	12'	O (14')	20'	N	R	R
Collector	60'	24'	2	12'	R (14')	20'	O	R	R
Parkway	60'	24'	2	12'	R (10')	20'	O	R	R
Green Street	60'	22'	2	11'	R (10')	20'	R	R	R
Local (Residential)	32'	22'	2	11'	N	10'	R	R	R

Street Typology									
Street Type	ROW					Streetscape			
	A	B	C	D	E	F	G	H	I
	Min. ROW Width	Min. Pavement Width	Number of Travel Lanes	Min. Travel Lane Width	Median	Min. Streetscape Width	On-Street Parking	Sidewalk	Traffic Calming Measure at 800ft or Greater Block Lengths
Local (Nonresidential)	38'	22'	2	11'	O (10')	10'	O	R	R
Key	N = Not Allowed R = Required O = Optional								

F. Streetscaping Standards

1. All streets shall meet the streetscape requirements as established in Table 5.3.9-2, Table 5.3.9-3, and Table 5.3.9-4, and may provide the following streetscape elements:
 - a. On-street parking spaces at either a parallel or angled arrangement;
 - b. Pedestrian facilities such as sidewalks, multi-use paths, and cycle tracks;
 - c. Landscaped strips with living plants;
 - d. Street furniture such as patio chairs, benches, and tables;
 - e. Green infrastructure or low-impact development mechanisms such as bioswales, rain gardens, planter boxes, permeable pavement; or
 - f. Any other unspecified streetscape element that promotes safe pedestrian interactions with the street.
2. Liability of streetscape maintenance shall be addressed in a license agreement.

G. Street Connectivity

1. All residential subdivisions shall design street configurations that comply with the minimum Connectivity Index in Section 5.3.6.D.
2. A residential and nonresidential subdivision shall provide a stub out to undeveloped land adjacent to the subdivision.
 - a. Stub-out connections to adjoining residential properties shall occur at least every nine hundred (900) feet or in alignment with abutting subdivision streets along each boundary of the subdivision.
 - b. The stub-out shall require a temporary turnaround at the terminus of the stub-out of a minimum of eight (80) feet in diameter.
 - c. The applicant shall extend the sidewalk along the entire length of the stub-out on both sides of the street if constructing the entire width of the internal subdivision street to dead end or stub-out to the adjacent property (refer to Section 5.3.8.B.9).
3. A new subdivision shall connect to an existing stub out adjacent to the proposed subdivision.
4. Permanent cul-de-sacs and dead-end streets shall not exceed three hundred (300) feet in length unless no other alternative is available as determined by the City Engineer.

5. A cul-de-sac street shall be platted and constructed with a concrete paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred (100) feet and a minimum street right-of-way diameter of at least one hundred twenty (120) feet.

H. Secondary Ingress and Egress

1. All multi-family residential and nonresidential development shall provide at least one secondary form of ingress and egress to a public street.
2. A multi-lot or master planned subdivision requires a secondary form of ingress and egress to a public street for each phase.
3. All single-family development shall provide a minimum number of access points as required by Table 5.3.9-5. When the calculation of access points results in a fraction, the number of required access points shall be rounded up to the next whole number.

Table 5.3.9-5: Required Minimum Access Points

Required Minimum Access Points	
Number of Residential Units	Minimum Number of Access Points
1-30 units	1
31+ units	2

4. Access points shall be to a local or collector street, and in certain situations where inefficient traffic flow is probable and access options are limited, to an arterial street.
5. Each phase shall comply with the minimum number of access points.
6. The City Engineer may require additional access points if the configuration, number of lots, or other consideration creates the need for additional access.
7. The City Engineer may reduce the number of access points due to topography, natural features, or the configuration of adjacent development.

I. Street Names, Signs, Lighting, and Pavement Marking

1. Streets shall be named to provide continuity with existing streets.
2. Names of new streets shall not duplicate or cause confusion with the names of existing streets.
3. Street signs shall be furnished and installed by the applicant for all intersections within or abutting the subdivision.
4. Street signs shall be of a type approved by the City and include the block number and block direction.
5. Street signs shall be installed in accordance with the prescribed type currently in use by the Texas Manual on Uniform Traffic Control Devices.
6. Street marking shall be applied by the applicant in compliance with the City’s specifications and the most recent edition of the Texas Manual on Uniform Traffic Control Devices.
7. Streetlights shall be installed by the applicant at major street intersections and all public rights-of-way within the subdivision or site development, and at major intersections and all public rights-of-way on the boundaries of the subdivision in accordance with the requirements in Section 5.3.16.
8. Pavement markings shall be required by Traffic Operations Department based on functionality of roadway.
9. Street name signs and pavement markings shall be installed as per City’s standards details.

Section 5.3.10. Access Management

A. Purpose

The purpose of this Section is to:

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;
2. Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents; and
3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

B. Applicability

No driveway shall be allowed or permitted if, in the determination of the City Engineer, it is detrimental to the public health, safety, and welfare of the community.

C. Common Access

1. A common access easement is required between adjacent lots used, zoned, or planned for nonresidential and multi-family uses fronting on any street section unless the City Engineer authorizes an exemption due to site constraints.
2. The use of common driveways shall require the dedication of a joint-use perpetual private access easement on each affected property.
3. The dedication shall be provided on the final plat of the subject properties, or be filed by separate instrument, subject to review and approval by the City Engineer.
4. The plat shall state that the property owner shall maintain the easement.
5. The common access easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

D. Driveway Design for Non-State Maintained Roadways

1. Development shall meet the standards and specifications regulating the design and construction of driveways, including but not limited to driveway dimensions and spacing (non-State maintained roadways) and deceleration lanes for driveways on streets required (non-State maintained roadways), as established in this Section and in the *SDG*.
2. The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on non-state maintained streets.

a. Driveway Dimensions and Spacing (Non-State Maintained Roadways)

Table 5.3.10-1 indicates the minimum dimensional values required for driveways along City/County-maintained roadways (local streets, collector streets, arterial streets).

- b. State Maintained Roadways shall require separate spacing but shall at least conform to the standards in Table 5.3.10-1.

Table 5.3.10-1: Driveway Dimensions and Spacing

Driveway Dimensions and Spacing (Non-State Maintained Roadways)			
Criteria	Street Classification	Nonresidential Driveway	Service Driveway
Minimum Distance to Intersection along Roadway	High Speed Arterial	425'	200'
	Principal Arterial	360'	200'
	Minor Arterial	250'	200'

Driveway Dimensions and Spacing (Non-State Maintained Roadways)			
Criteria	Street Classification	Nonresidential Driveway	Service Driveway
	Collector	200'	150'
	Parkway	100'	100'
	Green Street	100'	100'
	Local (includes all types)	50'	100'
Minimum Edge to Edge Driveway Spacing Along Roadway	High Speed Arterial	250'	250'
	Principal Arterial	250'	250'
	Minor Arterial	200'	200'
	Collector	150'	150'
	Parkway	150'	150'
	Green Street	100'	100'
	Local (includes all types)	100'	100'
Notes	<p>Nonresidential driveways include multi-family uses.</p> <p>The requirements for driveway throat width and driveway curb radius are for standard undivided two-way operation and may be varied by the City Engineer if traffic volumes, truck usage, common driveways, and other factors warrant such.</p> <p>Minimum centerline spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the City Engineer.</p> <p>Distance measured from the intersection right-of-way line to the centerline of the proposed driveway. Nonresidential, multi-family and service driveways shall not be permitted on local streets unless approved by the City Engineer.</p>		

c. Deceleration Lanes for Driveways on Arterial Streets Required (Non-State Maintained Roadways).

- (i) When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed of 40 mph to 45 mph.
- (ii) When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on arterial streets with a posted speed greater than 45 mph.

E. Required Internal Storage (Minimum Throat Length/Stacking)

1. Minimum Throat Length

The driveway for any multi-family or nonresidential property that connects to an arterial street, collector street, or local street shall extend onto private property a minimum distance of thirty (30) feet, but not less than the required front landscape edge width, from the right-of-way line before intersecting any internal circulation drive. The driveway for any commercial property that connects to an arterial street, collector street, or local street shall extend onto private property a minimum distance of eighty (80) feet if the determination by the traffic department that the development is an internal roadway network.

2. Driveway Stacking

Driveway stacking shall be provided on multi-family or nonresidential properties for corresponding driveways in accordance with Table 5.3.10-2. Required driveway stacking for driveways that provide ingress/egress based on use.

Table 5.3.10-2: Required Driveway Stacking

Required Driveway Stacking		
Average # of Parking Spaces Per Driveway	Total # of Parking Spaces and Drive-Thru Queuing Spaces	Minimum Stacking Length
20 - 49	20 – 49	Landscape Edge + 20'
	50 – 199	50'
	200 +	75'
50 - 199	50 – 199	75'
	200 +	100'
200 +	200 +	100'
Notes	<p>The average number of parking spaces per driveway is calculated by dividing the total number of parking spaces by the number of commercial and multi-family driveways. (Service driveways are not included in the calculation.)</p> <p>The total number of parking spaces is the sum of all spaces accessible by a driveway or driveways both on-site and off-site. The internal storage shall be separated from parking areas by a five-foot (5') wide, raised curb island or median. Planting requirements for the island or median shall be one (1) tree and one (1) five-gallon (5 Gal.) shrub for every fifteen (15) linear feet. Appropriate signage (e.g. stop, yield, etc.) shall be placed for any vehicular cross movement or internal circulation that intersects the ingress/egress circulation beyond the required internal storage.</p>	

F. Adequate Sight Distance

1. Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
2. Sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."
3. If a field inspection indicates that driveway sight distance may be insufficient, the applicant shall be required to submit vertical and horizontal information prepared by a registered professional engineer to the City Engineer that verifies adequate sight distance is available for the proposed driveway location.

G. Sight Visibility

Sight visibility easements shall be provided at all intersections with a public street (see Section 4.2.9).

H. Trip Generation Worksheet

The trip generation worksheet is a worksheet required new subdivisions and site plan submittals, for the purposes of determining Traffic Impact Analysis applicability and scope, based on:

1. Change of use (redevelopment); and
2. Development along major thoroughfares.

I. Traffic Impact Analysis (TIA)

1. The City Engineer may request a traffic impact analysis when 101 or more daily vehicle trips are anticipated to be generated by the development or if the development is anticipated to cause severe impacts on either the roadways system or the internal circulation of an adjoining development. Based on the trip generation worksheet that is submitted to the Traffic Department, it shall determine if a TIA is required.
2. A traffic impact analysis shall be prepared in accordance with the City's traffic study procedures, traffic circulation analysis guidelines, current available traffic counts, and those specifications provided in the SDG.

3. The City Engineer may require a pre-submittal meeting with the property owner or developer after the submission of a development application, such as a plat or site plan, to define the scope of the TIA if deemed necessary for the project.

Section 5.3.11. Easements, Dedications, and Restrictive Covenants

A. Generally

1. The purpose of this Section is to identify and require easements and fee simple dedication of all property needed for the construction of adequate public facilities, including streets, alleys, common access easements, sidewalks, paths, storm drainage facilities, floodways, water mains, wastewater mains, franchise utilities and other public and private utilities, retaining walls and any other property necessary to serve the plat and to implement the requirements of the UDC, the *SDG*, and other approved technical manuals.
2. Easements must be provided on a final plat, or by separate instrument, and maintained by the property owner.

B. Utility Easements

1. Where not adjacent to a public right-of-way, easements at least fifteen (15) feet wide or as required by the utility, must be provided for utility construction, service, and maintenance must be provided where necessary.
2. Easements for water and wastewater (sewer) facilities and easements accommodating both public utilities and franchise utilities must be at least twenty (20) feet wide or as required by the utility.
3. Additional easements or additional easement width may be required by the Planning and Zoning Commission if deemed necessary by the Director or City Engineer.
4. Easements at least sixteen (16) feet wide or as required by the utility, for utility construction, service, and maintenance must be provided within the front yard of lots that have frontage along state highways, and other arterials as identified on the Future Thoroughfare Map. These easements shall be provided along all public right-of-way except where otherwise approved by the City Engineer.
5. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public right-of-way.
6. The following statement of restrictions must appear in the dedication instrument on the face of the plat:
 - a. Easements
 - (i) Any public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements or right-of-way shown on the plat (or filed by separate instrument that is associated with that property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.
 - (ii) Easements shall be maintained by property owners.
 - (iii) The City can move trees or any other improvements and does not have the responsibility to replace them.

C. Fire Lane

1. Emergency access and fire lanes must be provided in locations required by the City and meet the requirements of the Fire Code.
 2. Fire lanes must have a minimum width of twenty-five (25) feet and a minimum height clearance of fourteen (14) feet. Internal drives within parking lots are not required to be curbed.
 3. Fire lanes must have a minimum inside radius of twenty-five (25) feet and a minimum outside radius of fifty (50) feet.
 4. Fire lanes that are more than one hundred fifty (150) feet in length must either connect at each end to a dedicated public or private street or to an access easement or built with a turnaround in accordance with adopted Fire Code.
 5. Fire lanes must be maintained by the property owner or Property Owners' Association.
- D. Roadway Easements
- See Section 5.3.9.
- E. Sight Visibility Zone Easements
- See [Chapter 94, Article IV](#).
- F. Drainage Easements
1. Easements for storm drainage facilities must be provided at locations containing existing or proposed drainage ways in accordance with this Article, the *SDG*, and other approved technical manuals.
 2. Storm drainage easements must be provided for existing and proposed enclosed drainage systems as specified in this Article, the *SDG*, and other approved technical manuals.
 - a. Easements must be centered over the drainage systems unless approved by the City Engineer.
 - b. Easements exceeding the width specified in this Article, the *SDG*, and other approved technical manuals, where necessary, must be provided as directed by the City Engineer.
 3. Where lot-to-lot drainage occurs, *SDG* standards apply.
 4. Storm drainage easements must be provided for emergency overflow drainage ways with enough width to contain stormwater resulting from a 50-year frequency storm, less the amount of stormwater carried in an enclosed system of a capacity required by the City.
 5. Where a subdivision is bounded by a watercourse, drainage way, channel, or stream, a stormwater easement conforming to the lines of such water course shall be provided, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.
 6. As required by the City, drainage easements must be dedicated up to the full width necessary to accommodate the ultimate drainage facility (culvert, channel, etc.) to be constructed within the easement, including provisions for access ingress and egress by crews and equipment for maintenance purposes.
- G. Water Quality Infrastructure Easements
- Easements for water quality infrastructure must be provided at locations required by this Article, the *SDG*, and approved technical manuals.
- H. Floodplain Easements
1. Floodplain easements must be provided along natural drainage ways and lakes and reservoirs.

2. Floodplain easements must be provided in accordance with the recommendation of the City Engineer and the Director to accommodate the fully-developed 100-year storm peak flow rates or the flow of the flood of record, whichever is greater.
 3. Floodplain easements must encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the City Engineer.
 4. The following full statement of structures shall be placed in the dedication instrument of the plat:
 - a. Floodplain Easement Restriction
 - (i) Construction within the floodplain may only occur with the written approval of the City. A request for construction within the floodplain easement must be accompanied with detailed subdivision construction plans and studies indicating that the construction shall cause no adverse impact, that no obstruction to the natural flow of water shall result; and subject to all owners or the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.
 - (ii) Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, shall remain as an open channel at all times and shall be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The City shall not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing their property clean and free of debris, silt, or any substance, which would result in unsanitary conditions. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur.
- I. Retaining Wall Easements
 1. If, in the opinion of the City Engineer, the grading plans submitted with the subdivision construction plans for approval of a final plat indicate the need for the construction of one or more retaining walls, the City Engineer may, at their discretion, require a private retaining wall easement showing the location of the retaining wall(s) and the no-build zone to be dedicated and shown on the preliminary plat and the final plat.
 2. The City shall have the right, but not the obligation, to enter the easement for the purpose of maintaining or repairing the retaining wall.
 3. The width of the retaining wall easement and the no-building zone shall be as established by the applicant's structural engineer and approved by the City Engineer.
 4. The retaining wall easement shall include a no-building zone extending from the retaining wall on both sides, within which any additional load from future construction would exceed the design capacity of the retaining wall.
 5. No structure (other than the retaining wall), swimming pool, or any other feature which adds load to the retaining wall, shall be constructed within the no-building zone.
 6. A retaining wall easement must be located entirely on one lot and not straddle property lines, unless the wall is constructed within a retaining wall easement dedicated to the Property Owners' Association in accordance with Section 5.3.11.I.7.

7. The property owner, or the Property Owners' Association for the subdivision, as applicable, shall be responsible for maintenance of the retaining wall, and a note shall be included to this effect on the final plat.
- J. Needs/Benefits Determination
1. No dedication otherwise required by this UDC may be imposed upon a property owner unless the City determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.
 2. An applicant may appeal a staff recommendation that a dedication be required in accordance with the provisions of Section 6.4.5.
- K. Maintenance of Easement
1. Easements required in this Section are areas established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.
 2. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.
 3. The property owner shall be responsible for maintaining the easement.

Section 5.3.12. Water Utility

- A. Generally
1. All subdivisions in the City's corporate limits and ETJ shall provide an adequate water distribution system and connect to a public water system in conformance with the standards of the public water service provider.
 - a. The City's corporate limits and ETJ are serviced by various public water providers and it is the responsibility of the applicant to determine the public water provider that services their property.
 2. Any new water main(s) must be designed and installed by the applicant's engineer prior to public water provider accepting such water facility or facilities for maintenance.
 - a. The applicant's engineer shall coordinate with both the City Engineer and public water provider to receive construction plan approval for the construction or modification of water facilities.
 3. The public water provider can prohibit a connection to an existing or proposed water system when they determine that a connection shall exceed capacity or overload the water system to serve the anticipated water demand of the proposed development.
 4. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code (Title 30, Part 1, Chapter 290), Public Drinking Water.
 5. The public water provider shall make the final determination of the adequacy of the proposed system.
 6. The public water provider in coordination with the City Engineer may require the phasing of development or improvements to maintain adequate water capacity.

7. All water mains shall be constructed within the street right-of-way and easements shall be dedicated to the public water provider.
8. The public water provider shall determine placement and width of water easements.

B. Water Line Extension to Subdivision Perimeters

All water lines installed within a subdivision must extend to the border and perimeter of the subdivision to allow for future water extensions to adjacent properties, regardless of whether those extensions are required for service within the subdivision.

C. Fire Hydrants

1. Fire hydrants shall be placed on block corners or near the center of the block to place all or every lot within a radius of five hundred (500) feet in residential areas, but under no circumstances shall a hose lay for more than five hundred (500) feet be made from the fire hydrant to cover all of every lot within the subdivision or tract under development.
2. Fire hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of three hundred (300) feet, but under no circumstances shall a hose-lay of more than three hundred (300) feet be made in order to adequately afford fire protection to the building or buildings.
3. A fire hydrant shall be placed at the entrance or at the end of all cul-de-sacs subject to review of the fire marshal in coordination with the public water service provider.
4. Hydrants shall provide enough pressure for fire protection in accordance with the City's adopted fire codes subject to review and approval of the Fire Marshal in coordination with the public water service provider.

Section 5.3.13. Wastewater Utility

A. Generally

1. All subdivisions in the City's corporate limits and ETJ shall provide an approved means for wastewater collection and treatment and connection to an adequate public wastewater system in conformance with the standards of the public wastewater provider.
 - a. The City's corporate limits and ETJ are serviced by various public wastewater providers and it is the responsibility of the applicant to determine the public water provider that services their property.
2. Any new wastewater main(s) must be designed and installed by the applicant's engineer prior to the public wastewater provider accepting the wastewater facility or facilities for maintenance.
3. The applicant's engineer shall coordinate with both the City Engineer and public wastewater provider to receive construction plan approval for the construction or modification of wastewater facilities.
4. The public wastewater provider may prohibit a connection to an existing or proposed wastewater system that they determine shall exceed the capacity or overload the system to serve the anticipated wastewater demand of the proposed development.
5. The public wastewater provider in coordination with the City Engineer may require the phasing of development to maintain adequate wastewater capacity.
6. The public wastewater provider in coordination with the City Engineer shall make the final determination of the adequacy of the proposed system.
7. The public wastewater provider shall determine placement and width of wastewater easements.

B. Wastewater Connection

1. Any development occurring within five hundred (500) feet or less of an existing or proposed wastewater line shall extend and connect to the City's facilities (or to other public utility as determined by CCN).
 2. A development may only use an on-site sewage facility (OSSF) if subject to one of the following provisions:
 - a. The closest corner of the proposed subdivision shall be at a distance of more than five hundred (500) feet, as measured along the proposed sewer line, from a public gravity sanitary sewer system, and the proposed subdivision shall contain no more than one parcel for each 50-foot length of that distance beyond 500 feet including any fractions of such 50-foot lengths; or
 - b. A connection to such sewer shall involve unusual costs, such as a lift station or street boring, and the initial cost of providing centralized sewer service shall be at least \$20,000.00 per parcel, with such initial cost being calculated by the public utilities board and the City Engineer and being the sum of public and private costs.
 3. Any on-site sewage facility (OSSF) that is permitted shall be constructed in accordance with the Texas Administrative Code (Title 30, Part 1, Chapter 285), On-Site Sewage Facilities.
 4. The Hidalgo County Health Official or the City's designated representative shall review and approve all septic system permits for any property in both the city limits, ETJ and the County.
- C. Wastewater Line Extension to Subdivision Perimeters
1. All laterals and wastewater mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.
 2. If due to physical constraints, a new subdivision shall never be constructed beyond a developing subdivision, the City Commission may approve a subdivision waiver (see Section 6.4.4) for this requirement prior to action on the construction plans or prior to action on any plat.

Section 5.3.14. Preliminary Utility Plan

- A. Applicability
1. A preliminary utility plan shall detail both Section 5.3.12 and Section 5.3.13 requirements and may be required as part the following plat applications in which the modification or extension of utilities is required for the proposed development:
 - a. Preliminary Plat
 - b. Final Plat
 - c. Replat
 2. Preliminary utility plans shall comply with the criteria contained in the City's standard applications forms and checklists.
 3. Preliminary utility plans are subject to the review processes established in Chapter 6 Required for plat and development applications.
- B. Plan Criteria
1. Concurrent with the submission of a preliminary plat, final plat, or any other plan in which the modification of public utilities is required, the applicant shall submit a map or plan showing the location and size of water utility and wastewater utility mains, which shall be required to provide adequate service to the lots specified in the proposed plat.
 2. Preliminary utility plans shall show existing and proposed fire hydrant systems to show adequate fire protection as required in the UDC and the City's fire code.

C. Coordination with Other Utility Providers

1. When the subdivision is in an area served by a utility provider other than the City, the applicant is still required to provide a water system analysis, indicating adequate water supply and water quality for review by the City Engineer.
2. When a subdivision is in an area served by a utility provider other than the City, the applicant must provide a letter from the utility provider stating that facilities exist in the area to provide adequate domestic service and fire protection.
3. If the City has reason to believe that there may be water supply or pressure concerns the City may require, a water system analysis, indicating adequate water supply and water quality.
4. A plat shall not be approved until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

Section 5.3.15. Private Street Regulations

A. Purpose

The purpose of this Section is to:

1. Allow private street developments to occur within the City on a limited and restrictive basis;
2. Provide for diverse housing options that help the City remain competitive in the development market and meet the needs of residents;
3. Ensure private streets are constructed to the quality standards of public streets; and
4. Ensure private street developments are accessible by safety and emergency services of the City.

B. Generally

1. A private street development shall comply with all provisions of the UDC including the subdivision (Chapter 5), zoning (Chapter 2), and pertinent development (Chapter 4) standards.
2. A private street development shall be subject to impact fees, parkland dedication or fee-in-lieu parkland fees.
3. There shall be no required minimum or maximum acreage size and or number of lots within private street developments.
4. The location of the private street development among other criteria required in this Section is subject to the approval of the City Commission.
5. A private street development shall not impede the current or future street circulation needs of the City, such as obstructing a street designated as a collector or arterial connection in the City's Future Throughfare Map.
6. A private street development shall not disrupt an existing or proposed City pedestrian, bike, or trail pathway.
7. Except where substantial existing natural or humanmade barriers would render the requirement unreasonable, each private development shall have direct access to a collector street and meet all other connectivity and access requirements of this Article.
8. There shall not be an overconcentration of gated and private street developments that may negatively impact neighborhood development pattern.

C. Development Guidelines

1. Private streets shall be constructed to the street design standards contained in the UDC and any other construction specifications for public right-of-way required by the City.
2. A private street development must provide access for emergency vehicles, public and private utility maintenance and service personnel, service of street lights and maintenance, the US Postal Service, and other government governmental employees in pursuit of their official duties.
3. A private street development that has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-two (22) feet at the location of an access control device. If an overhead barrier is used, it must be a minimum of 14 feet in height above the road surface.
4. A private street development that has an access control gate shall also provide a turnout or turnaround area outside the gated perimeter pursuant to the City's transportation design criteria and specifications.
5. A private street development that has an access control gate shall also provide two and a half (2.5) stacking spaces dimensioned at the location of the keypad to the right-of-way line. Vehicles waiting to enter the private street development cannot stack in the public right-of-way.
6. The Fire Marshal shall approve the installation of access gates, which shall meet the City's fire code requirements for emergency operation. The type of gate or control access mechanism is subject to review and approval by the Fire Marshal and shall be maintained by the property or homeowners association.
7. The property or homeowners association shall provide keypads and codes, as well as a receiver and mechanism designed to open gates automatically in response to a remote traffic signal preemption device meeting the specifications of emergency service providers, at all gates into the community.
8. If at any time any gate does not promptly and automatically open for an emergency vehicle utilizing a traffic signal preemption device, the emergency responders shall be privileged to remove, disable or destroy any locking device, gate or piece of a gate in order to gain access. The deed restrictions shall recognize and incorporate this requirement, and further hold the City and its emergency providers harmless from any and all claims or damages arising from the property or homeowners association's failure to maintain the gate to this standard or for the removal or destruction of such gates or devices.
9. Street lighting and street signage on private streets are required to meet the City's specifications and shall be installed and maintained by the property or homeowners associations at no cost to the City as per Section 134-168 of the Code of Ordinances.
10. The applicant is responsible for the installing and designing water and wastewater utilities to the City's specifications (or to other public utility as determined by CCN). All water and wastewater mains and associated appurtenances shall be publicly owned and maintained by the service provider.
11. The applicant is responsible for installing, designing, and operating all electrical facilities to the utility provider's standards. All electric facilities shall be owned and maintained by the utility provider.
12. The applicant is responsible for the installation of the stormwater system to the City's standards, and the HOA is responsible for maintenance of the stormwater system.

D. Review Criteria for a Subdivision Plat Involving a Private Street Development

Plats shall provide the following information:

1. Private street subdivisions shall provide the following note on the face of the plat:
 - a. "The streets have not been dedicated to the public for public access nor been accepted by the City as public improvements, and the streets shall be maintained by the property or homeowners association within the subdivision. The street shall always be open to emergency vehicles, public and private utility service personnel, the U.S. Postal Service and governmental employees in pursuit of this official duties."

2. Private streets shall be dimensioned, named, and designated as a common area, but not public right-of-way.
3. The plat shall show pre-existing easements unaffected by the platting process.
4. The plat shall provide utility and drainage easements containing utilities or drainage improvements.
5. The plat shall provide an access easement for utility service providers, safety and emergency services, postal service, and any other service personnel that may need to access the development to perform routine maintenance.

E. Perpetual Maintenance of Private Streets

1. Formation of Property or Homeowners Association

- a. Subdivisions with private streets shall have a property or homeowners association that shall own and maintain the private streets and appurtenances.
- b. The property or homeowners association shall provide for the payment of dues and assessments required to maintain the private streets.
- c. The property or homeowners' association documents must be reviewed and approved by the City Attorney and recorded with the County Clerk prior to the associated final plat being recorded with the County.

2. Property or Homeowners Association Membership Disclosures

Every owner of a lot within the private street development shall be a member of the property owners association and shall be made aware of the following provisions.

- a. The property or homeowners association documents must indicate that the streets within the development are private, owned and maintained by the property or homeowners association and that the City has no obligations to maintain or reconstruct the private streets.
- b. The property or homeowners association documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to ensure that they are maintained to City standards.
- c. The property or homeowners association may not be dissolved without approval of the City Commission and written consent of the City.
- d. The property or homeowners association documents shall note that certain City services shall not be provided on private street, such as routine police patrol, enforcement of traffic and parking ordinances. Depending on the characteristics of the proposed development other services may not be provided.
- e. The property or homeowners association documents shall contain a provision that requires access to emergency vehicles, utility personnel, the U.S. Postal service, and governmental employees in pursuit of their official duties.
- f. The outlining criteria for conversion of private streets to public streets contained in Section 5.3.15.F shall be included in the property or homeowners association documentation to increase awareness of voluntary and mandatory process for converting private streets to public streets.

3. Assignment of Property or Homeowners Association Lien Rights

The property or homeowners association shall provide the City the authority to file a lien or to secure payment from homeowners for the maintenance, repair and replacement in part or in whole of all privately held common areas, including but not limited to streets, drainage, street lighting or other appurtenances or

associated ancillary items. No portion of the property owners association documents pertaining to maintenance of the private streets may be amended without the written consent of the City.

F. Conversion of Private Streets to Public Streets

1. Voluntary Conversion

The City may but is not obligated to accept public streets for public access and maintenance. The procedure must conform to all the following provisions:

- a. The property or homeowners associations must submit a petition signed by at least seventy-five percent (75%) of its members.
- b. All the infrastructure must be in a condition that acceptable to the City.
- c. All security stations, gates, and other structures no consistent with a public street development must be removed.
- d. All funds in the reserve fund must be transferred to the City.
- e. The request to convert the private street to public streets must be considered by the Planning and Zoning Commission and approved by the City Commission. An ordinance converting the private streets to public streets must be approved by the City Commission prior to the recording of the subdivision plat.
- f. A revised subdivision plat shall be submitted to the Director after the City Commission has approved the request to convert existing private streets to public streets.
- g. Prior to the revised subdivision plat being recorded with the County the property or homeowners association documents shall be revised and refiled to remove requirements specific to private street subdivisions.

2. Mandatory Conversion

- a. The City shall notify the property or homeowners association of violations of the private street regulations. Failure to bring the subdivision into compliance with the regulations may cause the City to revoke the planned development district for the private streets.
- b. If the planned development district is revoked, the City may correct all remaining violations, remove the security stations, and unilaterally refile the subdivision plat thereby dedicating the streets to the public.
- c. If the planned development district is revoked, all funds in the reserve fund shall become property of the City and shall be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not enough to cover all expenses, the property or homeowners association shall be responsible for unpaid work.

Section 5.3.16. Street Lighting

A. Generally

1. The City may establish a standard specification for all aspects of the streetlight structure within a separate technical manual such as the *SDG*.
2. Installation of streetlights, typically decorative in nature, that exceed the specification requires a written and recorded agreement with the Homeowners' or Property Owners' Association establishing the means of long-term maintenance and replacement. All bases must be compatible with the City's standard pole design.

3. The City may choose to exceed its own standard specification at its discretion for special programs and districts (such as historic districts and similar) for streetlights, decorative street signs, and decorative traffic control devices.

B. Street Lighting Requirements

1. Street Lighting shall be reviewed by both the City and the electric service provider. It is the responsibility of the applicant to receive the necessary plan approvals from both the City and the electric service provider. All arterial and collector roads require LED streetlights with a spacing of one hundred fifty (150) feet. Internal (local) roads require LED streetlights with a spacing of two hundred fifty (250) feet. Based on the width of the street, the Traffic Department may require street lights on both sides of the street to ensure adequate lighting. Approval of street light layout must come from the City before proceeding with the electric service provider with an approval letter from the City attached with the stamped approved street light layout.
2. The minimum streetlight spacing and type of street light used in the development shall comply with the City's design criteria for streetlights, and be subject to Traffic Department's final approval of location.
3. Cost of installation of street Lighting shall be borne by the applicant. Escrow or receipt of payment for all proposed street lights is required before recordation of subdivision. Street light sketches provided by the electric service company must comply with the approved street light layout approved by the City if not the City shall require relocation of poles at the applicant's expense.

Section 5.3.17. Other Underground Utilities**A. Generally**

1. All distribution lines, cables, or utilities shall be installed below ground within the subdivision to eliminate the necessity for disturbing the street, curb and gutter, sidewalk and other services and structures when making connections.
 - a. When a new subdivision is developed in an area with existing above ground utility lines, the applicant shall be responsible for locating the lines within the subdivision and along its perimeter underground.
 - b. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area may be located above ground on the perimeter of the subdivision being served, subject to discretion of the City Engineer.
 - c. The installation of these utilities shall conform to commonly accepted construction standards, subject to discretion of the City Engineer.
2. The applicant or property owner shall provide separate service lines for water and wastewater to each lot or point of metering.
3. The applicant or property owner shall coordinate with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.
4. All plats and site plans for residential and multi-family developments shall require all internal telephone lines, cable television lines, electric lines, and utility lateral and services lines and wires to be placed underground except as otherwise provided in this UDC.
 - a. In special or unique circumstances or to avoid undue hardships, a subdivision waiver may be approved by the City Engineer to permit the construction and maintenance of overhead electric utility lateral or services lines and of overhead telephone and cable tv lines and may approve any plat or site plan with such approved variances, waivers, or exceptions.

- b. All final plats for residential and multi-family subdivisions submitted for approval by the City must display signature approval by utility companies prior to submittal.
 - (i) All multi-family site plans must display signature approval by utility companies before any building permits are issued.
 - (ii) No final plat or site plan shall be approved, and no building permit shall be issued without such approval.
 - c. Where electrical service is to be placed underground, street or site facilities shall also be placed underground.
 - d. All electrical, cable television, and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations in subdivisions shall be pad mounted or placed underground.
 - e. Unless specifically stated otherwise, temporary construction service may be provided by overhead utility lines and facilities without obtaining a waiver.
5. All installations regulated by the provisions of this Article shall be in conformance with the intent of this UDC and shall conform to any regulations or specifications that the various public utility companies may have in force from time to time.
6. Nothing in this UDC shall be construed to require any existing facilities to be placed underground when no development is proposed.

B. Company Notification to City

All utility companies shall notify the City, in writing, at least forty-eight (48) hours before digging, boring, drilling, etc.

Section 5.3.18. Parkland Dedication

A. Generally

1. Purpose

This Section ensures that new development allocates resources for accessible and useable parks, open space, and recreational facilities in proportion to the impact of the development and its contribution to increased demand for such facilities.

2. Applicability

a. This Section applies to the following development:

- (i) Any new plat (including preliminary and final plats) for development on a property zoned in a R-1, R-2, or R-3 district.
- (ii) Any new multi-family residential development.
- (iii) Any new mixed-use development.
- (iv) Any new development on a property zoned in a C-1, C-2, I-1, M-1, M-2, or CC district.

b. The following development is exempt from the requirements of this Section:

- (i) Property platted prior to the adoption of this UDC that has already satisfied parkland dedication requirements.
- (ii) Replats of property if no increase in dwelling units shall occur.
- (iii) Property zoned in an A-O district.

(iv) Property zoned in an I-2 district.

c. All dedications or payments in lieu of dedication are due at the time of Final Plat approval.

B. Dedication Requirements

1. Development in properties zoned in a R-1, R-2, or R-3 district shall dedicate public parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof as depicted on the approved plat or site plan.
2. Multi-family residential and mixed-use development shall dedicate parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof based on one of the following:
 - a. The number of units shown on the site plan, if the property is a single-phase, does not require a preliminary plat, or is already platted but has not already satisfied parkland dedication requirements; or
 - b. The number of units projected at ultimate build-out of a multi-phase development at the time of preliminary plat; or
 - c. If the number of units is unknown at the time of preliminary plat, the highest number of units allowable for a multi-family residential or mixed-use development under the zoning district.
3. Future amendments or replats to an approved plat or site plan that increase the number of dwelling units shall increase the dedication required in accordance with the City Commission-approved rate in place at the time of the amendment.

C. Parkland Property Standards

1. Land dedicated for park, open space, and recreation purposes must, at a minimum, comply with the following area and location standards:
 - a. The land must be a minimum of one (1) contiguous acre in size;
 - b. The land must provide a minimum of two hundred (200) feet of street frontage;
 - c. The land must have a minimum width of fifty (50) feet;
 - d. The land must be centrally located to the population of the neighborhood, community, or phase of development it shall serve;
 - e. The land must be situated to allow convenient pedestrian and bicycle access in addition to facilities for vehicle parking; and
 - f. The land must be well-drained and relatively level with no more than thirty percent (30%) subject to inundation by a 100-year flood. Drainage areas or areas with undulating topography or slopes exceeding five percent (5%) are acceptable if the areas are to remain in their natural state and shall preserve one or more significant features such as creeks, watersheds, viewsheds, native clusters of trees, or habitat for native or migratory species.
2. Land dedicated must be shown as dedicated on a final plat and be free from any of the following:
 - a. Human inhabitants;
 - b. Hazards, including scrap material, junk, vehicles or equipment, above-ground or below-ground environmental contaminants or holding tanks;
 - c. Encumbrances of any kind, including deed restrictions, liens, or easements, unless they confer to the benefit of the City or shall not interfere with the use of the property as a park; or

- d. Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.
3. Land dedicated must be preserved in its pre-developed state and may not be used for construction activities or storage of materials or equipment during construction of the subdivision or development, unless otherwise specified in a development agreement or PUD.
4. The City Commission may, at its sole discretion, modify these standards for land dedication that furthers the City's goals.

D. Required Improvements to Parkland Property

The following are the minimum designed elements to be included in dedicated parkland (to the City as public parkland or a property owners' association park) and must be reflected on associated construction plans or site plan at the time of construction release:

1. Curb and gutter along all streets abutting the boundary of the parkland.
2. The same level of utilities provided within the abutting subdivision or development must extend to the boundary of the parkland or as approved by the City Engineer (utilities include, but are not limited to, water, wastewater, electricity, and cable or fiber optic communication lines).
3. Above-ground survey markers installed at the corners of all property lines.
4. Any improvements required under a development agreement, PUD, or otherwise agreed to in writing between the developer and the City.
5. Construction of the improvements must be completed within three (3) years of the City's approval of the first final plat of the subdivision or development.
6. Where the developer is to provide improvements within parkland or abutting the parkland, the developer must provide fiscal security consistent with this Article.

E. Fee-in-Lieu of Parkland Dedication

1. City Commission may refuse any offered parkland dedication and require that a fee-in-lieu of dedication be paid in accordance with this Subsection or require that the dedicated parkland be privately owned and maintained by a Property Owners' Association.
2. If suitable land for park dedication is not available, the developer may propose one or more of the following payments in lieu of dedication:
 - a. A fee set by the City Commission based on the market value of the required acreage;
 - b. Providing private parkland equal to the required public parkland dedication, provided that the private parkland conforms to the following:
 - (i) The property is deed restricted for use as a park;
 - (ii) The property is platted as a lot(s) and noted on the final plat as parkland;
 - (iii) The parkland is improved to the standards of Subsection D, above;
 - (iv) The parkland is developed with one or more of the following amenities:
 - (1) Community swimming pool;
 - (2) Sports field;
 - (3) Sports courts;
 - (4) Playgrounds;

- (5) Dog park; or
 - (6) Other amenities approved by City Commission; and
 - (v) The parkland is owned and maintained by a Property Owners' Association.
3. The City shall determine the amount of the fee at the time of the first final plat application and the Developer must pay all fees prior to recording the first final plat.
 4. The City shall reserve the contributed fees for the purpose of land acquisition, construction of improvements associated with parkland, and purchase of equipment to the most direct benefit possible to the residents of the subdivision.
 5. If the City fails to expend all of the contributed funds on parks or improvements to parks within eight (8) years from the recording date of the most recent final plat, the developer may request in writing that the City refund any remaining funds.

Article 5.4. Construction of Public Improvements

Section 5.4.1. Minimum Standards

This UDC identifies certain minimum requirements and sizes for utilities, roadways, parks, and other facilities necessary to protect or promote the public health, safety, and welfare of the community.

- A. It is the intent of this UDC that no development occurs until these minimum levels of service are met.
- B. Therefore, each subdivision in the City shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
- C. It is the responsibility of the applicant to coordinate and receive the necessary plan approval approvals for water and wastewater services from the designated public utility service provider.

Section 5.4.2. Construction Process

- A. Timing of when Public Improvements are Constructed
 1. Public Improvements are constructed after the applicant has received approval of the construction plans, attended a Pre-Construction Meeting (refer to Section 5.4.4) and has been released for construction by both the City Engineer and the public utility service provider (refer to Section 5.4.5).
 2. Public improvements shall be constructed and inspected (refer to Section 5.4.6) by the City Engineer and the public utility service provider before the applicant submits a final plat application to the City (unless a development agreement is executed in accordance with the requirements of Section 5.4.8).
 3. The City Engineer and public utility service provider shall issue a letter of final acceptance after the final inspection to confirm that public improvements were constructed to the City's and public utility's standards.
 4. The applicant shall submit to the City and the public utility service provider record drawings (refer to Section 5.4.6.E) and a warranty bond (refer to Section 5.4.7) after receiving the letter of final acceptance.
- B. Recording of the Final Plat

The applicant can submit a final plat application to the City after:

 1. Submitting record drawings to the City Engineer and the public utility service provider; and
 2. The City Attorney has reviewed and approved the Warranty Bond.
- C. Acceptance of Public Improvement

1. Public improvements are accepted for maintenance by the City and the public utility service provider when the plat is recorded with the County Clerk except as otherwise noted on the plat.
 2. A note shall be placed on the plat to address the maintenance of certain infrastructure or Public Improvements by either the City, the public utility service provider, or the property owner.
- D. Release of the Warranty Bond
1. The applicant shall submit a request to the City Engineer and the public utility service provider to release the Warranty Bond two (2) years from the date the warranty bond (refer to Section 5.4.7.E) became effective.
 2. The City Engineer and the public utility service provider shall conduct a two-year maintenance inspection (refer to Section 5.4.7.G) to evaluate the condition of the public improvements. The City Engineer and the public utility service provider shall release the warranty bond if the City Engineer and the public utility service provider determine that the public improvements are in good repair and are to the satisfaction of the City and the public utility service provider.

Section 5.4.3. Construction Plans

- A. Generally
1. Except as otherwise expressly stated, the applicant or property owner is responsible for constructing and installing infrastructure and public improvements in accordance with the provisions of either the City's or the public utility service provider's design criteria for public infrastructure.
 - a. Water and wastewater infrastructure shall comply with standards of the public utility service provider.
 - b. Any ornamental or standard light poles shall comply with the standards of the electric service provider.
 2. The applicant or the property owner shall be responsible for paying for all material testing.
 3. All public improvements must be designed and installed to provide for an interconnected system of infrastructure and to create continuity of improvements that shall facilitate land development on adjacent properties.
 4. Unless otherwise expressly stated, the applicant is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of these regulations until the City, another unit of government, a property owners association, or other legal entity assumes actual responsibility for maintenance of the infrastructure and improvements.
 5. All water, wastewater, drainage, and roadways improvements necessary to support a proposed development shall be designed by a professional engineer licensed in the State of Texas.

B. Applicability

Construction plans are required for any project involving the construction of roads, drainage improvements, utility installation and any other site improvements deemed necessary to serve to the proposed development that is subject to the review and approval by the City Engineer.

C. Review Process

1. Construction plans shall be submitted and reviewed in accordance with this Division of this Article and the City's standard submittal procedures in Chapter 6.
2. It is the responsibility of the applicant to coordinate with the public utility service provider to receive construction plan approval by the public utility service provider. The construction plan review process for the City is separate from the construction plan review process for the public utility service provider.

3. The preliminary utility plan set and the construction plan set requirements may vary between the City and the public utility service provider. It is the responsibility of the applicant to have construction plans approved by the public utility service provider and the City.

D. Prerequisites

Construction plans shall be submitted for formal review after a preliminary plat has been approved and prior to the approval and recordation of a final plat as shown in **Figure: Construction Process**²⁰.

E. Construction Plan Set Requirements

1. A construction plan set shall generally consist of the following sheets:
 - a. Cover Sheet
 - b. General Notes
 - c. Preliminary Plat (if applicable)
 - d. Final Plat
 - e. Existing Topographic Map
 - f. Master Drainage Plan
 - g. Grading Plan
 - h. Pavement Plan with Profiles
 - i. Master Sanitary Sewer Plan
 - j. Sanitary Sewer Plan with Profiles
 - k. Master Water Plan
 - l. Water Plan and Profiles
 - m. Sidewalk Plan
 - n. Street Light Plan
2. The City Engineer may request additional information be included in each construction set to address other pertinent details.

F. Compliance with City Plans and Other Regulations

It is the responsibility of the applicant's engineer to ensure the final design of site improvements conform with the following:

1. Any transportation or mobility plan adopted by the City of McAllen;
2. City of McAllen's *SDG*;
3. Texas Department of Transportation (TxDOT) Access Management Manual;
4. Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), Chapter 285 (On-Site Sewage Facilities);
5. Texas Water Code; and
6. All other codes and ordinances of the City.

²⁰ Graphic to be provide once financing preference confirmed

G. Easements

All easements shall be provided and meet the requirements as established in Section 5.3.11.

Section 5.4.4. Pre-Construction Meeting

A. Purpose

1. The purpose of the pre-construction meeting is to discuss administrative, communication, and operating procedures for project construction prior to construction release.
2. A list of typical inspection items, procedures, and acceptance criteria for items in public right-of-way and easements shall also be furnished to the applicant.

B. Meeting Procedures

1. The applicant shall attend a pre-construction meeting with the City Engineer if Public Improvements are to be constructed with the project.
2. The pre-construction meeting shall be scheduled following the approval of the construction plans and prior to commencement of any construction on the property.
3. The applicant shall be responsible for contacting the City Engineer, requesting a meeting time, and notifying all participants of the meeting.
4. After receiving a meeting request from the applicant, the City Engineer shall promptly schedule a pre-construction meeting.

C. Effect

Following the pre-construction meeting and full compliance with all pre-construction requirements, the City Engineer shall release the project for construction.

Section 5.4.5. Construction Release

A. Requirements for Construction Release

1. Upon approval of the construction plans, receipt of all required documentation, fees (if applicable), and after the pre-construction meeting with City staff, the City Engineer shall release the plans for the construction of Public Improvements if all City requirements pertaining to construction have been met.
2. The construction release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project if progress or development of the project continues to be demonstrated.

B. Construction Release Expiration and Extension

Expiration and possible extension of the construction release shall comply with the submittal and approval procedures for the construction plans (refer to Section 5.4.3).

Section 5.4.6. Inspection of Public Improvements

A. Conformance with Approved Construction Plans

1. Construction shall be in accordance with the approved plans and City standards.
2. Any significant change in design required during construction shall be made by the applicant's engineer, funded by the applicant and shall be subject to approval by the City Engineer.

B. Preliminary Inspection Required

1. The applicant, upon completion of drainage, roads, streets, and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request a preliminary inspection from the City Engineer.
 2. After preliminary inspection, the City Engineer shall notify and provide the applicant with a written punch list of any issues the applicant must rectify in order for the public improvements to be in accordance with the approved construction plans and City standards.
- C. Final Inspection
1. The applicant, upon rectifying any issues identified in the preliminary inspection punch list (if applicable), shall request from the City Engineer a final inspection.
 2. The City shall provide letter of final acceptance after the final inspection if the applicant has properly addressed any issues identified in the preliminary inspection and documented in the associated punch list, and are now installed in accordance with the approved construction plans and City standards.
- D. Letter of Final Acceptance
1. If all improvements are completed, inspected, tested (if applicable), and determined by the City Engineer to be in conformance with the provisions of the UDC and the City's standards and all inspection fees have been paid, then the City Engineer shall issue a letter of final acceptance to the applicant.
 2. Dedication and acceptance language shall be recorded with the final plat or provided by a separate document if requested and approved by the City Engineer.
 3. A note shall be placed on the plat to address the maintenance of public improvements by either the City, the public utility service provider or the property owner.
 4. The applicant shall submit to the City record drawings (refer to Section 5.4.6.E) and a warranty bond (refer to Section 5.4.7) after receiving the letter of final acceptance.
 5. A final plat application shall not be accepted by the City until the applicant submits to the City Engineer the record drawings and received approval of the warranty bond by the City Attorney.
 6. A letter of final acceptance shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use, and maintenance, this shall not release the applicant from the warranty bond (refer to Section 5.4.7).
- E. Record Drawings
1. The purpose of the City requiring record drawings is to have a record of how public improvements were constructed in the field.
 2. The applicant must submit the record drawing after receiving a letter of final acceptance by the City Engineer.
 3. All sheets for the record drawings shall show all changes made in the construction plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date.
 4. Digital files of all the record drawings shall be submitted by the applicant in AutoCAD and Adobe PDF formats, as required by the City.
- F. Inspection Fees
1. Inspection fees shall be established by the City and set forth in the adopted fee schedule.

2. The applicant may be charged an additional inspection fee to reimburse the City the actual inspection cost if the City is required to have third party inspections of the public infrastructure in each subdivision or development.

Section 5.4.7. Warranty Bond

A. Purpose

1. A warranty bond is submitted by the applicant to the City after the City Engineer issues a letter of final acceptance. The City Attorney must review and approve the warranty bond before the applicant submits a final plat application.
2. A warranty bond is required to ensure streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the City for a certain period of time after public improvements have been constructed.
3. A warranty bond shall be executed by a surety company authorized to do business in the State of Texas and made payable to the City.

B. Duration

1. The conditions of the warranty bond shall stipulate that the applicant shall guarantee to maintain, to the satisfaction the City all of the streets, street signs, underground utilities, required drainage structures and all other construction is maintained to City specifications and is in a good state of repair for a period of two (2) years from the date of the letter of final acceptance (refer to Section 5.4.6).

C. Warranty Bond Amount

1. The warranty bond amount shall be equal to twenty (percent (20%) of the estimated cost of streets, street signs, underground utilities, required drainage structures and all other construction.

D. Periodic Inspections

1. Periodic inspection of streets, street signs, underground utilities, required drainage structures and all other construction for which the warranty bond is held shall be made by the City Engineer during the period of liability covered by the warranty bond.

E. City Redemption of Warranty Bond

1. In the event of any or all of the streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the applicant shall be so advised in writing and, if after a reasonable time, they fail or refuse to repair those items, the maintenance and repair of public improvements shall be completed by the City using the warranty bond provided.

F. Request for Warranty Bond Release

1. The applicant may request the release of the warranty bond two (2) years from the date the City Engineer issued the letter of final acceptance.
2. The applicant who posted the original warranty bond shall submit a written request to the City Engineer to release the warranty bond. The request shall include a copy of the letter of final acceptance and a set of record drawings (refer to Section 5.4.6.E).
3. The City Engineer shall be responsible for authorizing release of the warranty bond.
4. Release of the warranty bond shall depend on the condition of public improvements during the two-year maintenance inspection described in Section 5.4.7.G.

G. Two-Year Maintenance Inspection

1. Two (2) years from the date that the warranty bond became effective, a two (2) year maintenance inspection shall be performed by the City Engineer to ensure all of the streets, street signs, underground utilities, required drainage structures and all other construction have been maintained to City specifications and are in a good state of repair.
 - a. If the two (2) year maintenance inspection finds that all improvements are completed, in good repair, and in conformance with City standards, the City Engineer shall issue authorization to release the warranty bond; or
 - b. If the two (2) year maintenance inspection finds that all or some of the public improvements fail to comply with the City's standards and specifications, the City shall have the authority to enforce the warranty bond or financial surety posted by the applicant to ensure public improvements are maintained or brought up to the City's standards.

H. Acceptance Disclaimer

1. Approval of a preliminary plat, final plat, or construction plans shall not constitute acceptance of any of the public improvements required to serve the subdivision or development.
2. No public improvements shall be accepted for dedication to the City except in accordance with this Section.

Section 5.4.8. Development Agreement and Financial Surety for Completion

A. Development Agreement and Surety for Completion of Delayed Public Improvements

When any of the required public improvements shall be postponed and constructed after final plat recordation, the final plat shall not be accepted for recording unless and until the applicant enters into a development agreement of standardized format approved by the City by which the applicant:

1. Guarantees completion of all the public improvements;
2. Provides financial provisions for the completion of all public improvements (e.g., surety, performance, and payment bonds) by securing the obligations of the development agreement consistent with Section 5.4.9;
3. Provides a warranty bond to warranty the improvements for a period of two (2) years following issuance of a letter of final acceptance by the City Engineer; and
4. Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by this Article, including insurance requirements and covenants to comply with other City ordinances.

B. Development Agreement for City Participation in Public Facilities

1. If the City participates in construction or financing of construction of public improvements, then a development agreement shall be required.
2. The development agreement shall provide that the covenants and other items of agreement contained within shall run with the land and shall bind all successors, heirs, and assignees of the current property owner.
3. All existing owners and lienholders shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. Authorization Required by the City Commission

1. The City Engineer and City Attorney shall review all development agreements.
2. The City Engineer shall recommend an action to the City Commission for all development agreements.

Section 5.4.9. Financial Surety

A. Types of Financial Surety

1. Surety, Performance, and Payment Bonds

- a. When any of the required public improvements shall be constructed after approval and recordation of the final plat, the applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with this Article, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.
- b. The surety, performance, and payment bonds shall be approved as to form by the City Attorney.

2. Irrevocable Letter of Credit

An irrevocable letter of credit (ILOC) may be accepted and approved as to form by the City Attorney.

3. Escrow

At the discretion of the City Engineer and agreement with Section 5.4.9.C, escrow may be allowed as a security for completion.

B. Estimated Cost and Security Approval

1. Security shall be issued in the amount of one hundred percent (100%) of the cost to construct and complete all required public improvements to the City's standards as estimated by the applicant's professional engineer, and as approved by the City Engineer.
2. Security shall be subject to the review and approval of the City Attorney.
3. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to recording of the final plat).

C. Escrow Policies and Procedures

1. Request for Escrow

- a. The City may require the deferment of, or the applicant may petition the City to defer, required improvements in exchange for a deposit of escrow (an example may include a timing issue due to pending street improvements by another agency such as TxDOT).
- b. The City may require studies and other information to support the applicant's request to escrow.

2. City Escrow Deposit

- a. When the City Engineer requires or agrees to accept escrow deposits, the developer shall deposit in escrow with the City an amount equal to one hundred twenty-five percent (125%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
- b. The City Engineer shall review and approve the amount, which shall be approved and paid prior to recordation of the final plat.

3. City Usage of Escrow Fees

The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the public improvement(s).

4. Termination of Escrow

- a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the applicant.
 - b. Such return of escrowed funds does not remove any obligations of the applicant for construction of the required improvement(s).
5. Refund for Escrow
- If all or a portion of a street or other type of public improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the applicant after completion and City’s acceptance of the street or public improvement. The City shall require thirty (30) days from the request to process the refund.
6. Interest on Escrow Funds
- When escrowed funds are returned or refunded to the escrowing developer, the City shall retain all the interest accrued by the funds.
7. Escrow Fund Agreement
- The City Engineer, at their discretion, may require an escrow fee agreement be executed.

Chapter 6. Procedures

Article 6.1. General Procedures

Section 6.1.1. Purpose

The purposes of this Article are to:

- A. Establish the appropriate workflows associated with each land development process;
- B. Ensure that processes comply with state law;
- C. Assign decision-making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants; and
- D. For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

Section 6.1.2. Applicability

This Article establishes rules and procedures for specific land use decisions under the jurisdiction of the City Commission, Planning and Zoning Commission, Zoning Board of Adjustment, Historic Preservation Council, and City Staff (where applicable).

Section 6.1.3. Procedural Components

This Article sets up rules for procedures, such as notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description per Table 6.1.3-1.

Table 6.1.3-1: Procedural Components

Procedural Components	
Component	Meaning
Applicability	The type of development or situation that is subject to the process.

Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City determines that the application has sufficient information to be processed.
Notice and Hearing(s)	This describes the type of notice, how it is provided, and the conditions of any applicable required public hearings.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Standards	These are any standards that apply to the application. All applications are subject to the regulations of this UDC.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be resubmitted for the property.
Appeals	This provides a way to review an application that is denied or that has conditions that the applicant disagrees with.
Scope of Approval	This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordation	This states how the formal approval decision is maintained.

Section 6.1.4. Authority

Table 6.1.4-1 summarizes the major review procedures for land use applications and development activity in the City's corporate limits (and ETJ, where applicable) and who acts on those applications. Not all procedures addressed in this Division are summarized in this table (see subsequent sections of this Article for additional details on each procedure).

Table 6.1.4-1: Authority Table

Authority Table											
UDC Section	Application Type	PAM	Notice	Approval Authority							
				Administrative Bodies ↓				Quasi-Legislative Bodies ↓			
				D	C	B	H	PZ	CC	HP	BA
Zoning and Development Procedures											
Section 6.2.1	Comprehensive Plan Amendment	✗	✓	r				r	d		
Section 6.2.2	UDC Text Amendment	✗	✓	r				r	d		
Section 6.2.3	Rezoning	✓	✓	r				r	d		
Section 6.2.4	Conditional Use Permit			r				d			
Section 6.2.5	Site Plan	✗	✗	d				a			
Section 6.2.6	Sign Permit	✗	✗	d							
Section 6.2.7	Certificate of Appropriateness	✗					d			d ¹	
Section 6.2.8	Building Permit	✗	✗			d					
Section 6.2.9	Certificate of Occupancy	✗	✗			d					

Authority Table											
UDC Section	Application Type	PAM	Notice	Approval Authority							
				Administrative Bodies ↓				Quasi-Legislative Bodies ↓			
				D	C	B	H	PZ	CC	HP	BA
Subdivision Procedures											
Section 6.3.1	Preliminary Plat	✗	✓	d							
Section 6.3.2	Final Plat	✗	✗	d				a			
Section 6.3.3	Minor Plat	✗	✗	d				a			
Section 6.3.4	Amending Plat	✗	✗	d				a			
Section 6.3.5	Replat	✗	✓	r				d			
Section 6.3.6	Conveyance Plat	✗	✗	d							
Section 6.3.7	Plat Vacation	✗		r				r	d		
See Article 5.4 for more specifics	Construction Plans	✗	✗		d						
	Development Agreement	✓	✗		r				d		
Relief Procedures											
Section 6.4.1	Variances	✗		r							d
Section 6.4.2	Special Exceptions	✗		r							d
Section 6.4.3	Minor Modifications	✗		d				a			
Section 6.4.4	Subdivision Waiver				r			d			
Section 6.4.5	Subdivision Proportionality				r			r	d		
Section 6.4.6	Economic Hardship Waiver						r			d	a
Section 6.4.7	Interpretation	✗		d							
Notes	¹ = The Historic Preservation Council may approve the certificate of appropriateness if outside of the scope of the Historic Preservation Officer’s authority										
Key	✗ = Not Required ✓ = Required r = Review and Recommend d = Decision (a decision includes the review of the application) a = Appeal Decision PAM = Pre-Application Meeting D = Director C = City Engineer B = Building Official H = Historic Preservation Officer PZ = Planning & Zoning Commission CC = City Commission HP = Historic Preservation Council BA = Zoning Board of Adjustment										

Section 6.1.5. Pre-Application

A. Applicability

These requirements apply to any application if the applicant elects to request a pre-application meeting with the City.

B. Initiation

Before submitting an application subject to this Article, the applicant may request a meeting with the Staff Review Committee concerning the plans and data as specified in this UDC.

C. Staff Review Committee

The purpose of the Staff Review Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager concerning planning and development issues.

1. The Staff Review Committee is composed of the following departments, members, or their representatives:
 - a. The Director
 - b. The City Engineer
 - c. The Building Official
 - d. The Fire Marshal
 - e. The Public Works Director
 - f. The McAllen Public Utilities General Manager
2. The Staff Review Committee may request the assistance other staff members and agency representatives.

D. Scheduling

Any applicants wishing to discuss a development proposal with the Staff Review Committee may advise the Director at least seven (7) calendar days prior to the meeting.

E. Pre-Application Meeting (PAM)

1. The pre-application meeting shall include the following:
 - a. A discussion of technical studies, plans and other information deemed relevant to the specific application request;
 - b. Discussion of the anticipated level of citizen interest;
 - c. A discussion of the general project consistency with this UDC and the Comprehensive Plan.
2. The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.
3. The Director shall provide information and comments at the pre-application meeting, but shall not take formal action on the application. In addition to provision of verbal information, the Director may provide a pre-application meeting checklist.
4. The applicant's and Director's comments are for purposes of information, but are not binding on either the City or the applicant.

F. Documentation

1. During the meeting, the Director may review and complete an informational checklist, based on the scope of the application.
2. The Director shall record in writing and provide the applicant any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.

Section 6.1.6. Submitting Applications

A. General Requirements

1. Applications filed under this UDC must include the information required in **Appendix *****. All applications shall be made on forms prepared by the Director.
2. The City Commission may establish fees for all applications required in this UDC by resolution.

B. Review for Completeness

1. The Director shall not process incomplete applications.
2. An application is not complete until all required items are submitted **(see Appendix ***)**.
3. When applications are submitted, the Director shall review them for completeness.
4. The time period to process an application does not commence until the Director determines that the application is properly submitted and the applicant has corrected any deficiencies in the application.
5. Review for completeness of application forms is solely to determine whether information required for submission with the application is sufficient to allow further processing.
6. The Director shall determine whether the application is complete and shall transmit the determination to the applicant. If the Director determines that the application is not complete, the Director shall specify those parts of the application that are incomplete and shall indicate how they can be made complete, including a list and description of the information needed to complete the application. The Director and any other approval authority are not obligated to further review the application until the required information is corrected. For applications subject to Article 6.3, the application is not considered submitted and is denied.
7. The Director or the approving authority may provide submittal deadlines for materials required in support of any application provided for in **Appendix *****. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.

Section 6.1.7. Noticing

A. Generally

1. This UDC, in conjunction with those regulations set by State law, establishes various requirements for public notice.
2. Noticing shall meet the minimum requirements established in Texas Local Government Code § 211.007(c), including the 200-foot notification and twenty percent (20%) protest requirements.
3. Table 6.1.7-1, along with Table 6.1.7-2, describes the various types of notice and their contents.

Table 6.1.7-1: Notice Types

Notice Types	
Notice Type	Description
Publication	The type of development or situation that is subject to the process. The Director shall publish in an official newspaper or a newspaper of general circulation in the City.
Mail	The Director shall mail the notices. Notice is served by its deposit in the City, properly addressed with postage paid, in the United States mail. Regular mail is sufficient, unless certified mail is required by a specific process or state law.
Electronic	The City may communicate with the applicant or persons requesting notice by electronic transmission.

	Electronic transmission may include email, or communication through social media or online notification procedures established by the Director.
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4. Specific notice requirements are established in Table 6.1.7-2. Additional notice requirements may apply in each procedural section.

Table 6.1.7-2: Application-Specific Noticing Requirements

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
Comprehensive Plan	Website	> 15 days before the Planning and Zoning Commission hearing	Not applicable
UDC Text Amendment	Publication	> 15 days before the Planning and Zoning Commission hearing	Not applicable
	Mail	When affecting the applicability of Zoning Districts or standards for those districts under Article II or uses under Article III, > 10 days before Planning and Zoning Commission hearing	All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. The owners of the subject property, including necessary content and specifications under Texas Local Government Code Section 211.006 If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication. If the rezoning affects residential or multi-family zoning, to each school district in which the property for which the change in classification is proposed is located.
	Website	Any time before the initial hearing	Not applicable
Rezoning	Publication	> 15 days before the Planning and Zoning Commission hearing	Not applicable
	Mail	> 10 days before Planning and Zoning Commission hearing	All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. The owners of the subject property, including necessary content and specifications under Texas Local Government Code Section 211.006 If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
			<p>included on the most recently approved municipal tax roll, the notice shall be given by publication.</p> <p>If the rezoning affects residential or multi-family zoning, to each school district in which the property for which the change in classification is proposed is located.</p>
	Website	Any time before the initial hearing	Not applicable
Conditional Use Permit	Publication	> 15 days before the Planning and Zoning Commission hearing	Not applicable
	Mail	> 10 days before City Commission appeal hearing (if applicable)	<p>All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected.</p> <p>If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication.</p> <p>The owners of the subject property, including necessary content and specifications under Texas Local Government Code Section 211.006</p>
	Website	Any time before the initial hearing	Not applicable
Replat		<p>If the replat requires a variance or exception: > 15 days before the Planning and Zoning Commission hearing</p>	<p>Owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.</p> <p>The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.</p>
		<p>If the replat does not require a variance or exception: < 15 days after the Planning and Zoning Commission hearing</p>	<p>Each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This does not apply to a proposed replat if the Planning and</p>

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
			Zoning Commission holds a public hearing and gives notice of the hearing in the manner above.
Variance	Mail	> 10 days before Zoning Board of Adjustment hearing	Applicant, appellant, or other parties in interest. May include regular mail or email
	Website	Any time before the initial hearing	Not applicable
Economic Hardship Waiver	Mail	> 5 days before Historic Preservation Council hearing	Applicant May include regular mail or email

5. In those instances, where an application requires multiple public hearings, noticing may be provided jointly stating the specifications for those public hearings.

B. Required Information

Notice shall include the following information, unless the process includes a different requirement:

1. A synopsis of the proposed ordinance or application;
2. Time, date, and place of the public hearing or meeting;
3. The type of land use or development decision that is being considered;
4. If a public hearing is required, a statement that at the time and place of the hearing all persons who desire shall have an opportunity to be heard in opposition to or in favor of the ordinance or application;
5. A point of contact within Planning Department; and
6. Planning Department's [website](#) address.

C. Notice Sign Posting

1. One sign of at least four (4) square feet shall be posted on the property for residential development applications requiring noticing and sign posting.
2. One sign at least sixteen (16) square feet shall be posted on the property for nonresidential development applications requiring noticing and sign posting.
3. This sign(s) shall, if possible, be located adjacent to streets.
4. This sign(s) shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Commission or when the applicant withdraws the request, whichever comes first.
5. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

D. Failure to Provide Notice

The failure to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this UDC, and no person may challenge an action for lack of notice where the City has complied with the applicable State law governing notice.

Section 6.1.8. Staff Review

A. Review by Other Departments and Entities

The staff may forward copies of the application to various local, state and/or federal entities and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

B. Staff Review

The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other entities or departments, as described in Section 6.1.8.A. After reviewing the information, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

C. Staff Report

If an individual section of this Article (and where permitted by state law) delegates to staff the authority to approve, approve with conditions, or deny/disapprove an application, the staff report may include a written decision to that effect.

Section 6.1.9. Decision-Making and Public Hearings

A. Purpose

The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

B. Rules of Procedure

The City Commission and Planning and Zoning Commission may adopt rules of procedure for public hearings.

C. Action

Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this UDC. Decisions and recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:

1. Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines and policies;
2. Recommendations of staff and recommending bodies;
3. Input of reviewing agencies and departments;
4. Public comment and testimony received at the hearing; and
5. Effects of the proposal on the neighborhood, area, and community-at-large.

D. Authority to Condition Development Approvals

1. After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies may impose conditions that are reasonably necessary to assure compliance with applicable general or specific standards expressed in these regulations.
2. The Director shall include a copy of the conditions with the record of decision.
3. The applicant shall be notified of any conditions imposed on the application.

Section 6.1.10. Tabling

A. Purpose

This Section allows for the tabling of applications as needed to collect additional information, or to engage in further review.

B. Applicant Request

An applicant may request to table any application for a future meeting date. If the application was noticed, re-noticing shall be at the applicant's expense.

C. Director Request

The Director may request to table any application for further review and consideration. In that case, the Director shall provide notice and explanation to the applicant before the meeting at which the application is scheduled for hearing. Notice of the tabling shall be given at the beginning of the scheduled meeting.

Section 6.1.11. Application Withdrawal

A. Generally

An application may be withdrawn at any time prior to formal consideration by the reviewing body.

B. Fees

Withdrawal of an application after the determination of completeness results in the forfeiture of fees.

C. No Public Hearing Required

If no public hearing is required, the applicant should give notice of the withdrawal to the Director at the earliest possible time. This allows the Director to notify other applicants of an agenda change.

D. Public Hearing Required

If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.

Section 6.1.12. Scope of Approval

A. Generally

The approval authority may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.

B. Amendments

The approval authority may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The approval authority may not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

Section 6.1.13. Protest Against Change

In case of a protest against a change signed by the owners of twenty percent (20%) or more either of the land included in the proposed change, or of the land within two hundred (200) feet of the subject property, excluding any intervening public street, an amendment shall not become effective unless by a favorable vote of $\frac{3}{4}$ of all the members of the City Commission present and qualified to vote.

Section 6.1.14. Post-Decision Proceedings

A. Minor Revisions

1. The Director may approve minor revisions to the terms of an application approval. "Minor revisions" are those that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.
2. Minor revisions must be authorized in writing.
3. Minor revisions are subject to appeal to the Planning and Zoning Commission. On appeal, no further action shall be taken to process the application, and/or issued permits are stayed pending the Planning and Zoning Commission's determination.

B. Major Revisions

1. A major revision is any revisions that the Director determines is not a minor revision.
2. A major revision is approved by the original decision-maker is required in accordance with the procedures established for original consideration of the application.
3. In making a determination, the Director may seek a recommendation from any recommending body involved in the original application process.

Section 6.1.15. Appeals

A. Generally

1. Any decision may be appealed.
2. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.
3. Certain decisions may be appealed to a specific approval authority as established in this Article.

B. Appeals to the Zoning Board of Adjustment

1. Appeals may be taken to and before Zoning Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau in the City.
2. An appeal shall be made by submitting to the Director a notice of appeal and specifying the appeal's grounds.
3. The office or department from which the appeal is taken shall transmit to the board all of the papers constituting the record from which the action appealed was taken.
4. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the Zoning Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.
5. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of that hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which an appeal is desired, and to all other persons deemed by the board to be affected by the appeal. These owners and persons shall be determined according to the current tax rolls of the City.

C. Subdivision Plat Appeals of Director Decision to the Planning and Zoning Commission

1. Appeals may be taken to and before the Planning and Zoning Commission by any applicant aggrieved, or by any officer, department, board, or bureau in the City.
2. An appeal shall be made by submitting to the City Secretary a notice of appeal and specifying the appeal's grounds.
3. The office or department from which the appeal is taken shall transmit to the Planning and Zoning Commission all of the papers constituting the record from which the action appealed was taken.
4. An appeal shall stay all proceedings in furtherance of the action appealed from.
5. The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal no more than 30 days after the date the appeal was submitted to the City Secretary. Notice of the appeal shall be made to the applicant and owner of the subject property according to the current tax rolls of the City.

Article 6.2. Zoning and Development Procedures

Section 6.2.1. Comprehensive Plan Amendment

A. Applicability

This Section applies to any action to adopt or modify the City’s comprehensive plan, consistent with the City Charter, and Chapter 213 of the Texas Local Government Code.

B. Initiation

The City Commission, the Director, or the owner or agent of the subject property may submit a proposed comprehensive plan or proposed modification of the existing plan to the City Commission.

C. Completeness

Not applicable.

D. Notice

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. Any required public hearings shall comply with Section 6.1.9.

E. Decision

1. Referral

- a. The City Commission shall refer the proposed plan or modification to the Planning and Zoning Commission.
- b. The referral may specify a deadline for the Planning and Zoning Commission to report its recommendations.

2. Planning and Zoning Commission Recommendation

- a. The Planning and Zoning Commission shall consider the plan or modification at a public hearing.
- b. After the hearing is closed, the Planning and Zoning Commission shall submit its recommendations:
 - (i) To recommend approval the plan or modification;
 - (ii) To recommend deny the plan or modification; or
 - (iii) To recommend to approve the plan or modification with revisions.
- c. The Planning and Zoning Commission shall submit its recommendations within the time period prescribed by the City Commission in its referral. If the City Commission does not prescribe a time

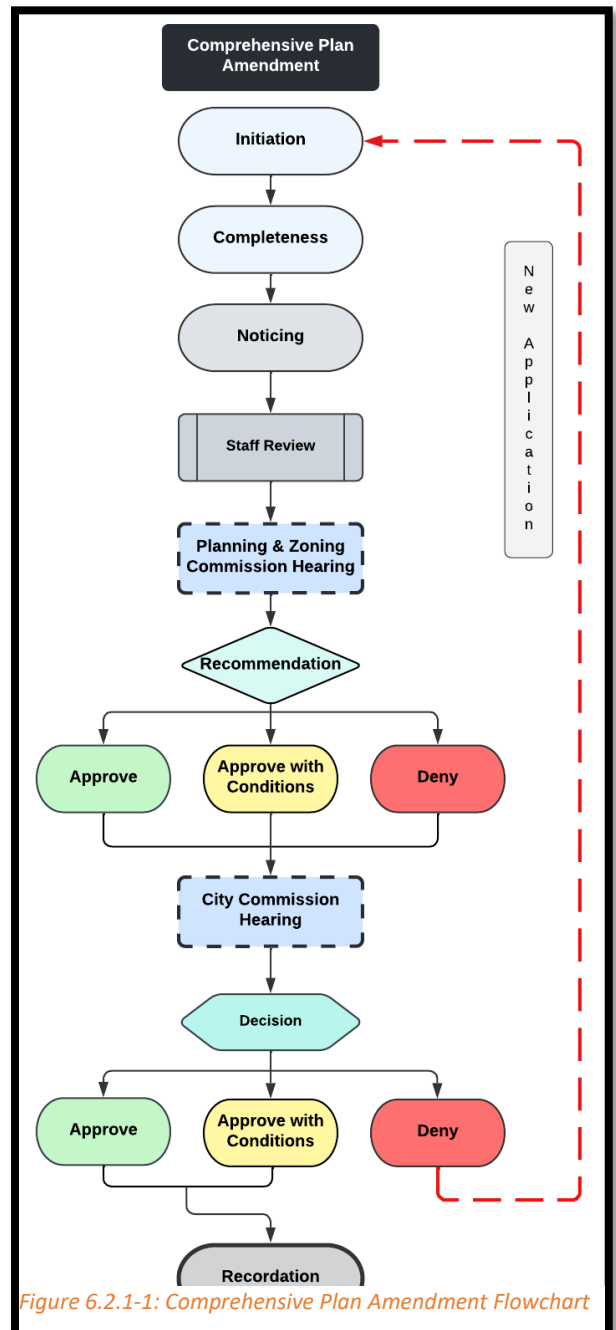


Figure 6.2.1-1: Comprehensive Plan Amendment Flowchart

period, the Planning and Zoning Commission shall submit its recommendation within 180 days after the date of the Council's referral. If the Planning and Zoning Commission fails to act during this time period, the Planning and Zoning Commission is deemed to have submitted the proposed amendment with a recommendation to deny the plan or modification.

3. City Commission Decision

- a. The City Commission shall consider the plan or modification at a public hearing.
- b. After the hearing is closed, the City Commission shall by resolution:
 - (i) Adopt the plan or modification;
 - (ii) Deny the plan or modification;
 - (iii) Approve the plan or modification with amendments; or
 - (iv) Remand the plan or modification to the Planning and Zoning Commission. The remand may include a deadline as provided in Section 6.2.1.E.1.a, and the failure to specify a deadline has the effect specified in Section 6.2.1.E.2.c.

F. Standards

1. At the minimum, the comprehensive plan shall include the following elements: land use, community facilities, and transportation.
2. The plan shall contain an existing land use map and a future land use map.
3. The plan shall include cross-references comparing future land use categories to comparable zoning districts. Pursuant to Texas Local Government Code § 213.005, a map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "*A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.*"
4. The plan shall include goals, objectives, and policies for each element.

G. Subsequent Applications

Not applicable.

H. Appeals

Not applicable.

I. Scope of Approval

See the City Charter.

J. Recordation

The Planning Department shall maintain a copy of the adopted Comprehensive Plan, and shall display the plan on its website.

Section 6.2.2. UDC Text Amendment

A. Applicability

This Section applies to any action of the City Commission to amend or change the regulations of this UDC. This includes the regulations, restrictions, and boundaries or classification of property contained within this UDC or a change to the Zoning Map initiated by the City Commission.

B. Initiation

A text amendment may be initiated by:

1. City Commission;
2. City Staff;
3. The Planning and Zoning Commission; or
4. Application of any resident, property owner, or business owner within the City.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. Two public hearings are required and shall comply with Section 6.1.9.

E. Decision

1. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the text amendment. The Planning and Zoning Commission shall submit its recommendation to the City Commission:

- a. To approve the text amendment;
- b. To deny the text amendment; or
- c. To approve the text amendment with revisions.

3. City Commission Decision

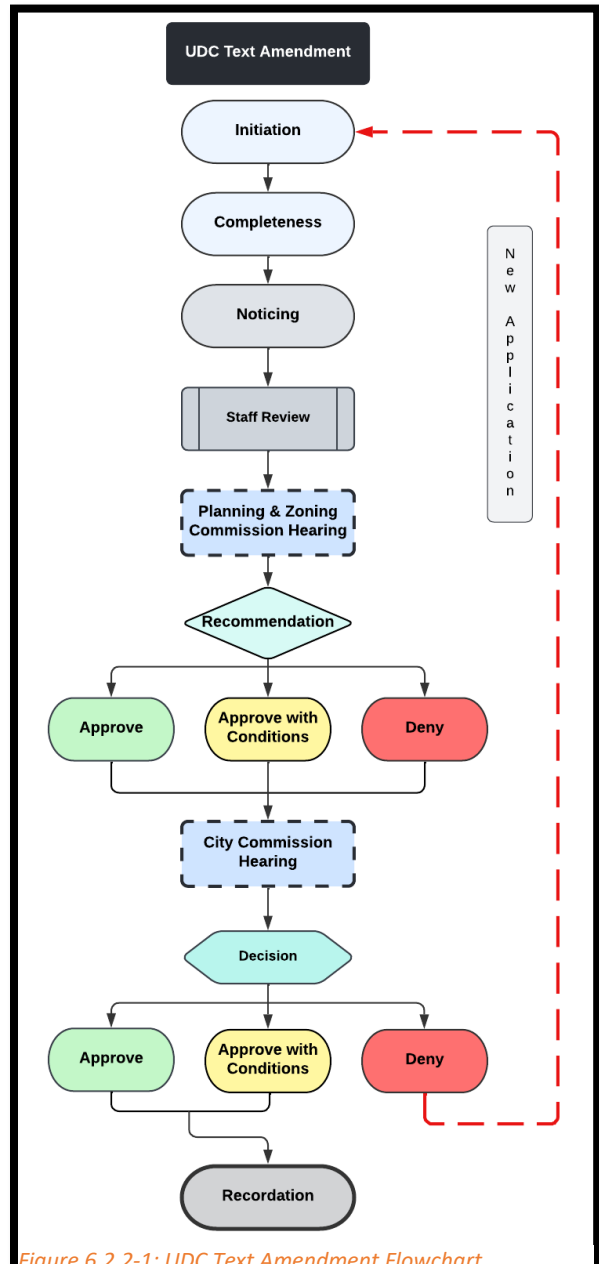


Figure 6.2.2-1: UDC Text Amendment Flowchart

The City Commission shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Commission shall by ordinance:

- a. Adopt the text amendment;
- b. Deny the text amendment;
- c. Approve the text amendment with revisions; or
- d. Remand the text amendment to the Planning and Zoning Commission for further discussion.

F. Standards

A text amendment is a legislative decision subject to the City Commission’s discretion. The City Commission may approve the text amendment if it:

- 1. Is consistent with the Comprehensive Plan; and
- 2. Promotes public health, safety, and general welfare.

G. Subsequent Applications

Not applicable.

H. Appeals

Not applicable.

I. Scope of Approval

The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions consistent with its standards and requirements.

J. Recordation

The 'DC's text amendment shall be codified and published as part of the McAllen Code of Ordinances by the City Secretary.

Section 6.2.3. Rezoning

A. Applicability

This Section applies to the change in the zoning classification of individual properties.

B. Initiation

A rezoning may be initiated by:

1. City Commission on its own motion;
2. Planning and Zoning Commission; or
3. The owner or agent of the subject property.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. Two public hearings are required and shall comply with Section 6.1.9.

E. Decision

1. Director Review

The Director shall review the rezoning and shall provide a recommendation to the Planning and Zoning Commission to:

- a. Approve the rezoning; or
- b. Deny the rezoning.

2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the rezoning. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting shall occur. The Planning and Zoning Commission shall submit its recommendation to the City Commission:

- a. To approve the rezoning;
- b. To deny the rezoning; or
- c. To approve the rezoning with conditions.

3. City Commission Decision

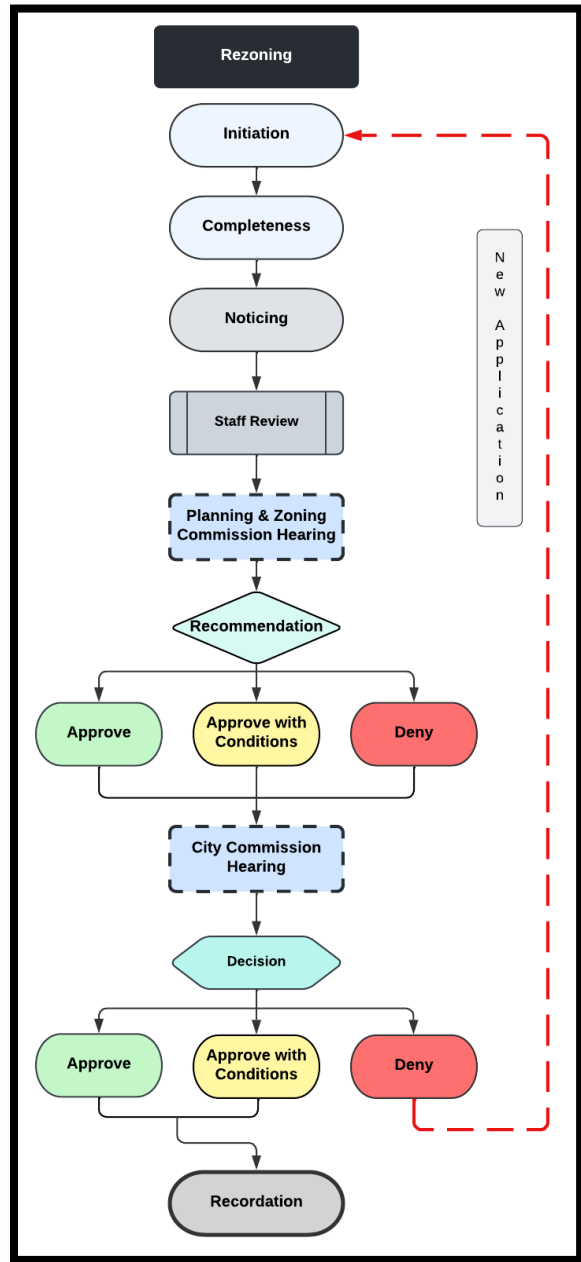


Figure 6.2.3-1: Rezoning Flowchart

The City Commission shall consider the rezoning at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Commission shall, by ordinance:

- a. Approve the rezoning;
- b. Deny the rezoning; or
- c. Approve the rezoning with conditions.

F. Standards

In its review of an application for rezoning, the City Commission shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning and Zoning Commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the City Commission, either prior to or concurrently with the proposed zoning amendment.

1. Consistency

The City Commission does not redetermine the City's policy of comprehensive zoning. The City's zoning map shall not be altered for the special benefit of the landowner when the change shall cause substantial detriment to the surrounding lands or serve no substantial public purpose.

2. Adverse Impacts on Neighboring Lands

The City Commission shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Commission finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

3. Suitability as Presently Zoned

The City Commission shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

4. Health, Safety, and Welfare

The rezoning must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract shall also benefit.

5. Public Policy

A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, recreational activity, or mixed-use development which functionally relates to the surrounding neighborhoods.

6. Size of Tract

The City Commission shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. The City Commission shall not rezone a single lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a rezoning.

7. Other Factors

The City Commission may consider any other factors relevant to a rezoning application under Texas law.

G. Subsequent Applications

1. This Subsection applies if:

- a. The applicant withdraws an application after notice of hearing is published; or
 - b. The City Commission denies a rezoning application.
2. If the above requirements apply, the applicant shall not submit a rezoning application for the same zoning district request on the same property for at least six (6) months.
3. The above waiting period begins with either the date of withdrawal of the prior application before the Planning and Zoning Commission or City Commission or the date of the City Commission's denial of the prior application.

H. Appeals

Not applicable.

I. Scope of Approval

The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit, in the case of uses permitted as of right, or a conditional use permit, in the case of uses designated as special uses within the applicable zoning district.

J. Recordation

If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

Section 6.2.4. Conditional Use Permit

A. Applicability

This Section applies to any application for approval of a use designated as a conditional use in Table 3.1.3-2.

B. Initiation

A conditional use permit may be initiated by the owner or applicant of the subject property.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. A public hearing is required and shall comply with Section 6.1.9.

E. Decision

1. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

2. Director Review

The Director shall review the conditional use permit and shall provide a recommendation to the Planning and Zoning Commission to:

- a. Approve the conditional use permit;
- b. Deny the conditional use permit; or
- c. Approve the conditional use permit with conditions.

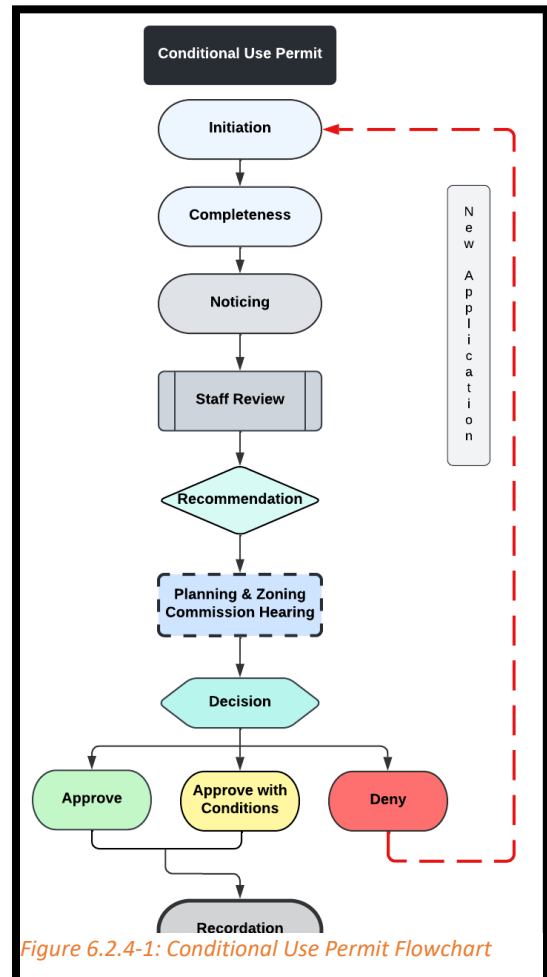
3. Planning and Zoning Commission Decision

The Planning and Zoning Commission shall consider the conditional use permit at a public hearing after a recommendation has been provided by the Director. After the hearing is closed, the Planning and Zoning Commission shall:

- a. Approve the conditional use permit;
- b. Deny the conditional use permit; or
- c. Approve the conditional use permit with conditions.

F. Standards

The Planning and Zoning Commission shall approve a conditional use permit only if the applicant demonstrates that:



1. The proposed conditional use shall comply with all regulations of the applicable zoning district, the provisions of Chapter 2, any applicable use regulations of Chapter 3, and any applicable development standards of Chapter 4 of this UDC.
2. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than any other use generally permitted in the same district. In making this determination, the Planning and Zoning Commission shall consider the location, type, and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the Comprehensive Plan.
3. Adequate utilities shall be provided.
4. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on public roads.
5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
6. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
7. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
8. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger public health, safety, morals, comfort, or general welfare.
9. The public interest and welfare supporting the proposed conditional use authorization shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

G. Subsequent Applications

1. This Subsection applies if:
 - a. The applicant withdraws an application after notice of hearing is published; or
 - b. The Planning and Zoning Commission denies a conditional use permit application.
2. If the above requirements apply, the applicant shall not submit a conditional use permit application for the same conditional use permit request on the same property for at least six (6) months.
3. The above waiting period begins with either the date of withdrawal of the prior application before the Planning and Zoning Commission or the date of the Planning and Zoning Commission's denial of the prior application.

H. Appeals

Not applicable.

I. Scope of Approval

1. Generally

The approval of a conditional use permit does not authorize the development of land. A conditional use permit allows the applicant to apply for a building permit.

2. Violations

Any conditional use permit is in violation of this UDC and shall be suspended or revoked if:

- a. A court having jurisdiction or a jury find the holder of the conditional use permit guilty of a violation or if a holder of a conditional use permit pleads guilty of violating:
- b. Any requirement or term or condition of the conditional use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the conditional use permit as approved by the Planning and Zoning Commission.
- c. The activity authorized by the conditional use permit commences prior to the institution of all conditions imposed by the conditional use permit.
- d. The use for which the conditional use permit was authorized does not commence within 6 months of the effective date of the conditional use permit. The Director may grant an extension of up to 6 months for good cause shown, upon petition of the conditional use permit holder.
- e. The use for which the conditional use permit is authorized is discontinued for 6 consecutive months.

3. Notification

If the use discontinues or fails to commence as stipulated in this UDC, the Director shall issue written notification to the property owner. Ten (10) days after issuance of this notice, the Director shall issue the permit holder written notification of the conditional use permit's official revocation and removal from the Zoning Map.

J. Recordation

A certified copy of all ordinances authorizing a conditional use permit pursuant to this Section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the Hidalgo County Clerk.

Section 6.2.5. Site Plan

A. Applicability

1. Generally

Site plan approval is required for all development except single-family detached or two-family (duplex) dwellings, and for all events that meet the following thresholds:

- a. New construction or expansion of an existing building or structure that increases the existing floor area by 25% or that adds 2,000 sf of floor area.
- b. New construction or expansion of parking lots that increase the existing impervious area by 25% or that add 2,000 sf of impervious coverage.

2. Deviations Prohibited

A site plan shall not authorize deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signs, landscaping, parking, or dimensional requirements.

3. Waiver of Site Plan

The Planning Director may waive the requirement to prepare a site plan based on site characteristics and the nature of the proposed changes being suitable for field verification or integration with a building permit.

B. Initiation

The property owner shall submit a site plan application to the Director. In addition to the information required by Section 6.1.6, the Director may require the following additional information if needed to address the proposed development’s impacts:

- 1. Elevations of the proposed new or remodeled structures;
- 2. Analysis of the traffic impacts of the proposed use; or
- 3. Evaluation of the environmental impacts of the proposed use.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Director Review and Decision

The Director shall review the site plan and shall act to:

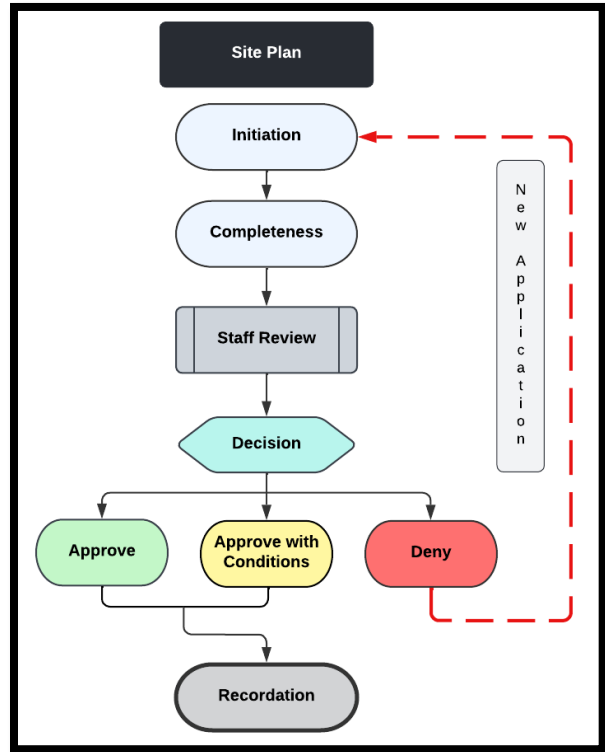


Figure 6.2.5-1: Site Plan Flowchart

- a. Approve the site plan;
 - b. Disapprove the site plan;
 - c. Approve the site plan with conditions; or
 - d. Refer the site plan to the Planning and Zoning Commission for its review and final action.
2. Authorization to Impose Conditions
- a. Generally

The Director may impose conditions necessary to maintain the integrity of the City's zoning districts, to ensure the proposed use is consistent with the Comprehensive Plan, conforms with this UDC, is appropriate to its location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.
 - b. Conditions Supplementary

All requirements imposed by a site plan are in addition to and supplement this UDC's requirements.
 - c. Authorized Conditions

Authorized conditions include, but are not limited to:

 - (i) Site Plan Features

Limitations or requirements regarding the area, setbacks, open space, landscaping, buffering, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.
 - (ii) Operations

Limitations or requirements regarding the proposed use's operating characteristics, duration, or any similar feature of the proposed use.
 - (iii) Duration

If the Director or Planning and Zoning Commission limits the duration of a site plan, a six (6) month grace period, starting from the final approval date, is afforded to the applicant in addition to the time period stipulated in the site plan conditions.

F. Standards

An application for a site plan shall comply with the following standards:

1. Generally

The site of the proposed use or any associated improvements is not in violation of any local, state, or federal law (other than a zoning violation).

 - a. The use and site plan for the proposed use conforms, at a minimum, with all applicable provisions of this UDC for the existing underlying zoning designation, including but not limited to:
 - (i) Development Standards

All parking, landscaping, signage, improvement, and dimensional standards.
 - (ii) Zoning Districts Standards

The purpose of the zoning district in which the proposed use is to be located and any standards applicable to the particular proposed use.
 - b. Site plans are only authorized for the proposed use(s).

2. Suitability

The characteristics of the proposed site are suitable for the proposed use considering the size, shape, location, topography, and location of improvements and natural features.

3. Timeliness

The proposed use and/or development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the proposed use.

4. Compatibility to Surrounding Area

The proposed use shall not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.

5. Comprehensive Plan

The proposed use satisfies any applicable goals and policies of the comprehensive plan that apply to the proposed use.

6. Use Appropriate and Compatible

The use is appropriate to its proposed location and compatible with the character of neighboring uses, or enhances the mixture of complementary uses and activities in the immediate vicinity.

7. Traffic

The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking, or loading problems. Necessary mitigating measures shall be proposed by the applicant.

8. Nuisance

The operating characteristics of the use do not create a nuisance and the impacts of the use on surrounding properties are minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.

9. Environment

The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

G. Subsequent Applications

Not applicable.

H. Appeals

If a site plan is appealed to the Planning and Zoning Commission:

1. The Planning and Zoning Commission shall consider the site plan at a public meeting.
2. After the consideration of the Director's decision and any evidence provided by the applicant or an aggrieved party, the Planning and Zoning Commission shall:
 - a. Approve the site plan;
 - b. Deny the site plan;
 - c. Approve the site plan with conditions; or
 - d. Remand the site plan to the Director for further consideration.

I. Scope of Approval

1. Generally

After the site plan is approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of site plan approval.

2. Changes to Site Plan

a. Generally

Any change to an approved site plan, other than those changes that qualify as insubstantial pursuant to Section 6.2.5.I.2.b, require amendment of the existing site plan. Amendment of an approved site plan may only be authorized by the Director pursuant to the procedures established in Section 6.2.5.E, and subject to appeal or referral to the Planning and Zoning Commission as provided in Section 6.2.5.H.

b. Insubstantial Changes to Approved Site Plan

(i) The Director may approve insubstantial changes to a previously approved site plan without notice or a public hearing. An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during its review, and that does not significantly change the original approval granted.

(ii) An insubstantial change includes:

- (1) Minor building revisions/expansions that do not increase the height of a building and are less than an aggregate total of one thousand (1,000) square feet;
- (2) Minor changes in the number of parking spaces (adding, removing, or relocating twenty (20) parking spaces or less), provided that minimum parking requirements are met;
- (3) Adjustments to solid waste container location;
- (4) Minor revisions to approved elevations; and
- (5) Substitution of similar materials on an approved landscape plan.

(iii) An amendment to any of the following site plan requirements is not considered insubstantial:

(1) Use

Those activities allowed on site by the site plan.

(2) Operational Characteristics

The gross limitations or requirements regarding the proposed use's operating characteristics.

(3) Site Plan Features

The gross limitations or requirements regarding the area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or the off-street parking of the proposal.

(4) Duration

Requirements governing the duration of the permit.

(5) Permit Holder

Requirements regarding the person or entity to whom the permit is issued.

3. Revocation

a. Criteria

An approved site plan is considered in violation of this UDC and shall be revoked if a court of law finds the use in violation of any of the following conditions:

- (i) The use established on site does not conform, at any time, with any or all approved permit condition(s) and or any local, state, or federal law.
- (ii) The activity authorized by the site plan commences prior to the institution of all conditions imposed by the site plan.
- (iii) Discontinuance of the approved use for at least six (6) consecutive months.
- (iv) The approved use does not commence within six (6) months of the final approval date.

b. Revocation Procedures

If the Director's inspection reveals noncompliance with this UDC, site plan revocation procedures shall commence as follows:

- (i) The Director shall, upon discovery of site plan noncompliance, issue a written warning, granting a grace period of at least ten (10) working days. During this time, the use may be brought into compliance with the current approved site plan for that location.
- (ii) If noncompliance persists after the conclusion of the warning grace period, a Director shall issue written citation.
- (iii) If the citation results in a guilty verdict, the site plan is considered revoked.
- (iv) The Director shall issue the permit holder written notification of the site plan's official revocation.
- (v) In the event of discontinuance or failure to commence as stipulated above, Director shall issue written notification to the applicant. Ten (10) days after issuance of Director notification of discontinuance or failure to commence, the Director shall then issue the permit holder written notification of the site plan's official revocation.

J. Recordation

The applicant and Director shall maintain a copy of the approved site plan.

Section 6.2.6. Sign Permit

A. Applicability

A person shall not construct, alter, or relocate any sign within the corporate limits of McAllen without first obtaining a permit, unless otherwise specified.

B. Initiation

Each sign permit requires a separate application. The application must be filed on a form furnished by the Director and include a non-refundable permit fee.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director shall:

1. Approve the sign permit;
2. Deny the sign permit; or
3. Approve the sign permit with conditions.

F. Standards

A sign permit shall be issued if the proposed sign complies with all applicable provisions of this UDC and any conditions or stipulations of any applicable rezoning, conditional use permit, site plan, or development plan.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15.

I. Scope of Approval

1. Generally

The Director may issue a sign permit if there is an approved site plan.

2. Expiration

- a. A sign permit becomes null and void if installation does not commence within six (6) months from the date of permit approval.
- b. If work authorized by the permit is suspended or abandoned for one (1) year from the date the work commences, a new permit is required to complete the installation work, even if no changes are made to the original sign permit.

3. Revocation

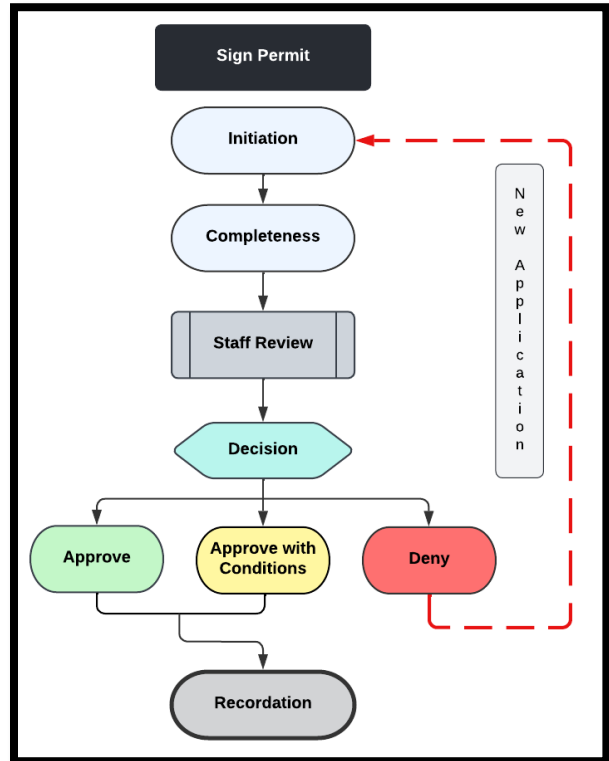


Figure 6.2.6-1: Sign Permit Flowchart

The Director may revoke a sign permit if:

- a. It is issued in error; or
- b. The sign or sign supporting structure is installed contrary to the approved plans or in violation of this UDC.

4. Repairs and Maintenance

The repair, routine maintenance, or repainting of an existing sign deemed conforming or allowed to continue as a nonconforming sign does not require a sign permit.

J. Recordation

The applicant and Director shall maintain a copy of the approved sign permit.

Section 6.2.7. Certificate of Appropriateness

A. Applicability

It shall be unlawful for any person to:

1. Carry out or allow any construction, reconstruction, alteration, restoration, rehabilitation, installation, or relocation of any portion of or any exterior feature of any contributing property in a designated historic district, or of any landmark or heritage property, or of any state or federally designated historic resource; or
2. Construct or install any new structure within a designated historic district or in a designated historic landmark or heritage property, or in any state or federally designated historic resource, until after an application for a certificate of appropriateness of such work has been approved by the McAllen Historic Preservation Council. Additionally, a building or demolition permit may not be granted for any contributing property within a historic district or in a designated historic landmark or heritage property, unless the McAllen Historic Preservation Council issues a certificate of appropriateness. Neither shall anyone carry out or allow any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from any street, which affects the appearance and cohesiveness of any contributing property in a designated historic district, or of any landmark or heritage property, or of any state or federally designated historic resource, unless the McAllen Historic Preservation Council issues a certificate of appropriateness.

- a. A certificate of appropriateness shall be required prior to beginning any work in any historic resource, including work claimed to be ordinary repair or maintenance. No building permit shall be issued for property that requires a certificate of appropriateness unless and until the Historic Preservation Officer certifies to the Building

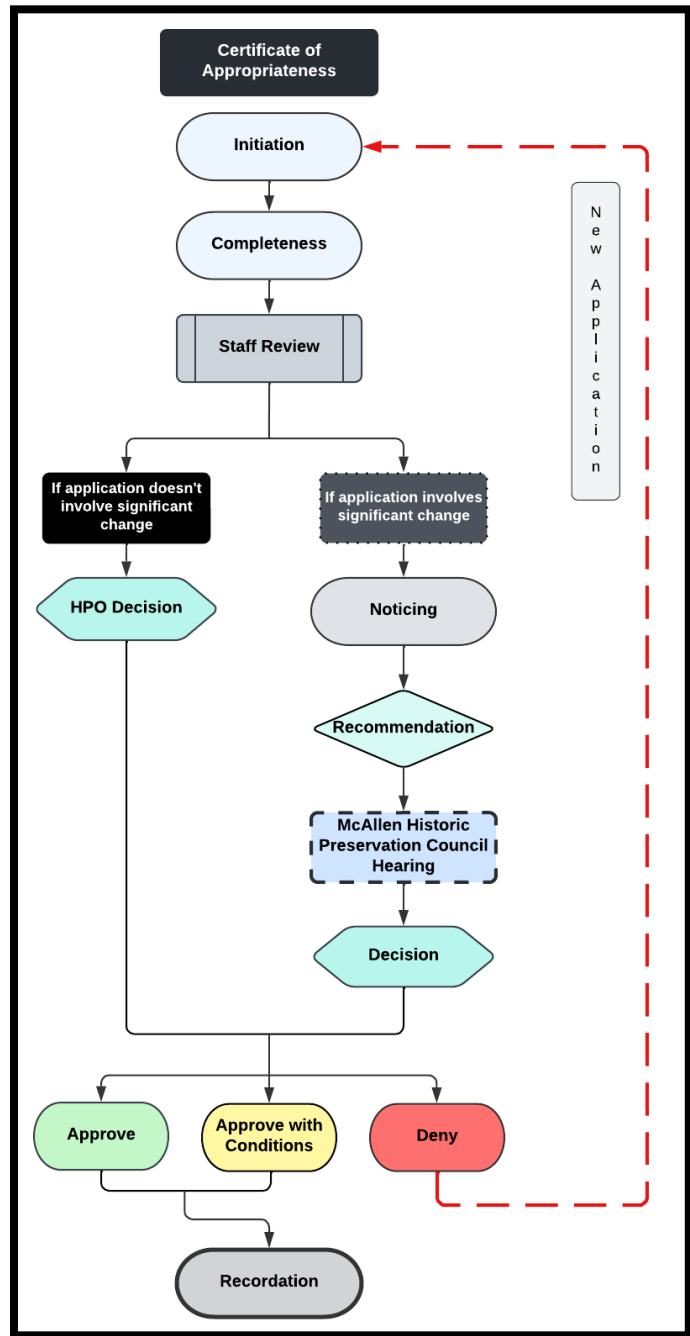


Figure 6.2.7-1: Certificate of Appropriateness Flowchart

Official that such a certificate of appropriateness has been granted, advising as to any conditions attached to such a certificate.

- b. A review of the plans or proposed work shall be undertaken by the Historic Preservation Officer for submission of a recommendation to the McAllen Historic Preservation Council, or by the McAllen Historic Preservation Council directly, after the property owner files a completed application.
- c. Decisions of the McAllen Historic Preservation Council and by the Historic Preservation Officer shall be in writing and shall state the findings of the McAllen Historic Preservation Council.
- d. A certificate of appropriateness shall be valid for twelve (12) months and shall expire thereafter.
- e. An applicant may resubmit an application for a certificate of appropriateness after twelve (12) months from the date of a denial.
- f. Certificates of appropriateness may be issued for distinct and separate phases of an ongoing project.

B. Initiation

The applicant shall submit to the Historic Preservation Officer an application in writing for a certificate of appropriateness which includes data and information as required by the Historic Preservation Officer, including but not limited to the following:

1. Name of applicant and property owner;
2. Mailing address of applicant and permanent address of property owner;
3. Legal description and location of property to be altered or repaired;
4. A detailed description of the nature of the proposed external repair, demolition alterations or additions to be performed;
5. A description of the structure and/or site and a narrative as to how the proposed change shall be in character with its architectural and historical aspect on the basis of which it was designated and, if in a historic district, as to how the proposed change shall impact upon the district;
6. Any circumstances or conditions concerning the property which may affect compliance with this UDC;
7. The intended and desired starting and completion date of the repair, demolition alterations or additions to be made;
8. Any drawings or photographs which would explain the proposed repair, demolition alterations or additions;
9. Samples of the colors which shall be used on the structure, and of the materials to be used or applied on, or that may affect the exterior; and
10. Building, plumbing, electrical, mechanical and/or other permit applications.

C. Completeness

1. Generally, refer to Section 6.1.6.B.
2. A nonrefundable administrative fee of \$100.00 shall be assessed to the applicant reflecting the cost to the City for processing the application. The application shall not be deemed complete, nor shall it be processed until the fee is paid in full. Separate permit fees may apply for any construction or demolition. If the application is approved, all applicable building permits shall be obtained, and all required fees paid prior to commencement of any work.

D. Notice and Hearing(s)

1. Generally

- a. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
 - b. Any required public hearing and shall comply with Section 6.1.9.
2. Additional Requirements
 - a. The McAllen Historic Preservation Council shall hold a public hearing to consider the application within sixty (60) calendar days after the receipt of a completed application.
 - b. The applicant shall be given written notice of the time and place of the meeting by regular mail sent at least five (5) business days before the meeting to the address on the application.
 - c. Written notices shall be sent in a manner similar to that provided in subsection 138-57(3), and official signs shall be posted as is provided in subsection 138-57(4), with the words, "NOTICE OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS," with the number and location of said signs determined by the McAllen Historic Preservation Council.
- E. Decision
1. Generally
 - a. A certificate of appropriateness may be approved by either the Historic Preservation Officer or the McAllen Historic Preservation Council.
 - b. A certificate of appropriateness involving ordinary repairs, demolition alterations or additions may be approved by the Historic Preservation Officer.
 - c. A certificate of appropriateness involving significant repairs, demolition alterations or additions shall be approved by the McAllen Historic Preservation Council.
 2. Historic Preservation Officer Review and Decision

If the Historic Preservation Officer, guided by the adopted design guidelines, and where applicable, criteria established by the Secretary of the Interior, determines that the application involves ordinary repair or maintenance, change, restoration, color or removal of any exterior architectural feature of a historic resource which does not involve significant change in the architectural or historic value, style, general design or appearance, shall review the certificate of appropriateness and shall act to:

 - a. Approve the certificate of appropriateness;
 - b. Deny the certificate of appropriateness; or
 - c. Approve the certificate of appropriateness with conditions.
 3. McAllen Historic Preservation Council Review and Decision
 - a. Recommendation from the McAllen Historic Preservation Officer

If the Historic Preservation Officer determines that the application involves a repair, demolition alteration, addition, change, restoration, or removal of an external architectural feature of a historic resource which involves a significant change in the architectural or historic value, style, general design, or appearance or for any other reason does not desire to act under the subsection above and is within a historic district or is a designated landmark or heritage property, the Historic Preservation Officer shall provide a recommendation to the McAllen Historic Preservation Council to:

 - (i) Approve the certificate of appropriateness;
 - (ii) Deny the certificate of appropriateness; or
 - (iii) Approve the certificate of appropriateness with conditions.
 - b. McAllen Historic Preservation Council Decision

- (i) The McAllen Historic Preservation Council shall conduct a public hearing on the certificate of appropriateness application and shall render its decision after the hearing is closed.
- (ii) The McAllen Historic Preservation Council shall:
 - (1) Approve the certificate of appropriateness;
 - (2) Deny the certificate of appropriateness; or
 - (3) Approve the certificate of appropriateness with conditions.

F. Standards

In determining the recommendation and action on an application for a certificate of appropriateness, the Historic Preservation Officer and the McAllen Historic Preservation Council shall review and decide the appropriateness of the proposed repair, demolition alterations or additions, and its compliance with:

- 1. Any applicable City of McAllen Design Guidelines for designated local landmark and heritage properties;
- 2. The Secretary of the Interior’s Standards for Treatment of Historic Properties and Guidelines for Preservation, Rehabilitation and Reconstruction; and
- 3. The applicant’s conformity with any revisions, stipulations or requirements as the McAllen Historic Preservation Council finds appropriate.

G. Subsequent Applications

Not applicable.

H. Scope of Approval

No building permit applications shall be accepted nor shall any permit be issued, and no work shall be performed until after approval of a certificate of appropriateness, and not until five (5) business days have elapsed from its transmission to the Building Official by the Historic Preservation Officer, with any advice as to conditions which may have been attached to the certificate.

I. Recordation

The Historic Preservation Officer shall maintain a copy of any order of the McAllen Historic Preservation Council pursuant to this Section.

Section 6.2.8. Building Permit

A. Applicability

The Building Official shall process building permits as provided in the Building Code.

B. Initiation

The applicant shall not submit a building permit application, and the Building Official shall not issue a building permit, for any application requiring approval of the Building Official, Director, the Planning and Zoning Commission, City Commission, or Zoning Board of Adjustment, until all required permits or approvals are approved.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

See Building Code.

F. Standards

The Building Official may issue the building permit only if the application complies with all applicable provisions of this UDC, any approved rezoning condition, conditional use permit, subdivision plat, or site plan, and the Building Code.

G. Subsequent Applications

Not applicable.

H. Appeals

If a building permit is denied for noncompliance with a provision of this UDC or an approval listed in Section 6.2.8.F, the applicant may appeal that decision.

I. Scope of Approval

See Building Code.

J. Recordation

The Building Official shall maintain the approved building permit in its files, and the applicant shall maintain an original signed copy of the approved building permit.

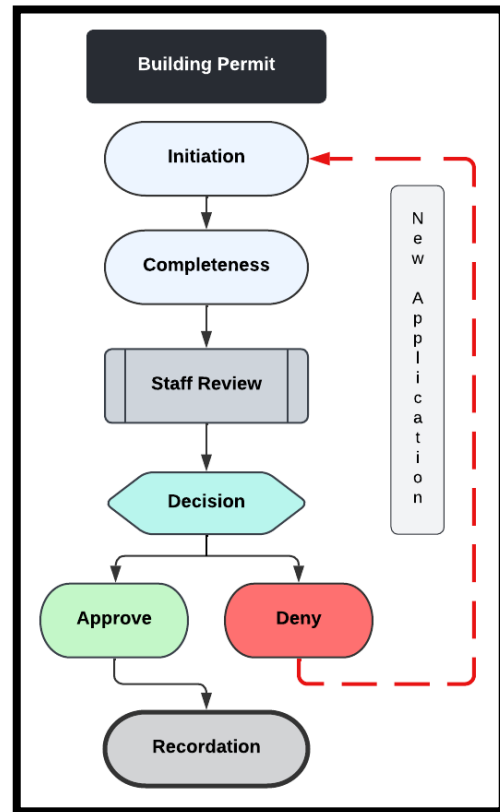


Figure 6.2.8.1. Building Permit Flowchart

Section 6.2.9. Certificate of Occupancy

A. Applicability

The Building Official shall process certificate of occupancy as provided in the Building Code.

B. Initiation

The applicant shall not submit a certificate of occupancy application, and the Building Official shall not issue a certificate of occupancy, for any application requiring approval of the Building Official, Director, the Planning and Zoning Commission, City Commission, or Zoning Board of Adjustment, until all required permits or approvals are approved.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

See Building Code.

F. Standards

The Building Official may issue the certificate of occupancy only if the application complies with all applicable provisions of this UDC, any approved rezoning condition, conditional use permit, subdivision plat, or site plan, and the Building Code.

G. Subsequent Applications

Not applicable.

H. Appeals

If a certificate of occupancy is denied for noncompliance with a provision of this UDC or an approval listed in Section 6.2.9.F, the applicant may appeal that decision.

I. Scope of Approval

See Building Code.

J. Recordation

The Building Official shall maintain the approved certificate of occupancy in its files, and the applicant shall maintain an original signed copy of the approved certificate of occupancy.

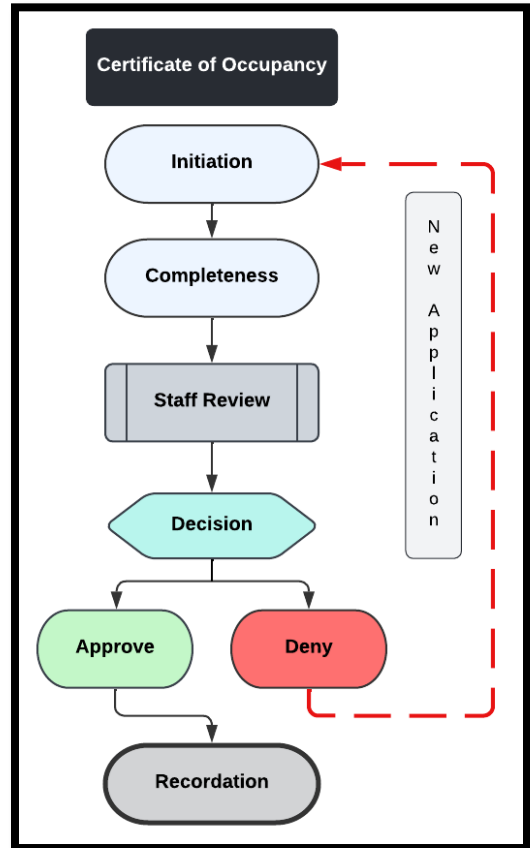


Figure 6.2.9-1: Certificate of Occupancy Flowchart

Article 6.3. Subdivision Procedures

Section 6.3.1. Preliminary Plat

A. Applicability

This Section applies to any application for approval of a preliminary plat of subdivision.

B. Initiation

The applicant shall submit a complete application to the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Director Review

The Director shall review the preliminary plat application, and send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.).

2. Director Decision

a. Generally

The Director shall review each preliminary plat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- (i) If the preliminary plat complies with all provisions of this UDC, the Director shall approve the plat;
- (ii) Approve the preliminary plat with conditions; or
- (iii) Disapprove the preliminary plat if it fails to comply with this UDC.

b. Approved with Conditions or Disapproved

- (i) If the Preliminary Plat is disapproved or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
- (ii) Reasons for disapproval or conditional approval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
- (iii) On a conditional plat approval, the Director may require submission of a revised preliminary plat.
- (iv) If the plat conforms to all standards, or after the applicant and Director agree upon any revision which shall be filed with the Director on a revised copy, the applicant may proceed with the layout of streets and roads, the preparation of utility plans and with preparation of the final plat.

F. Standards

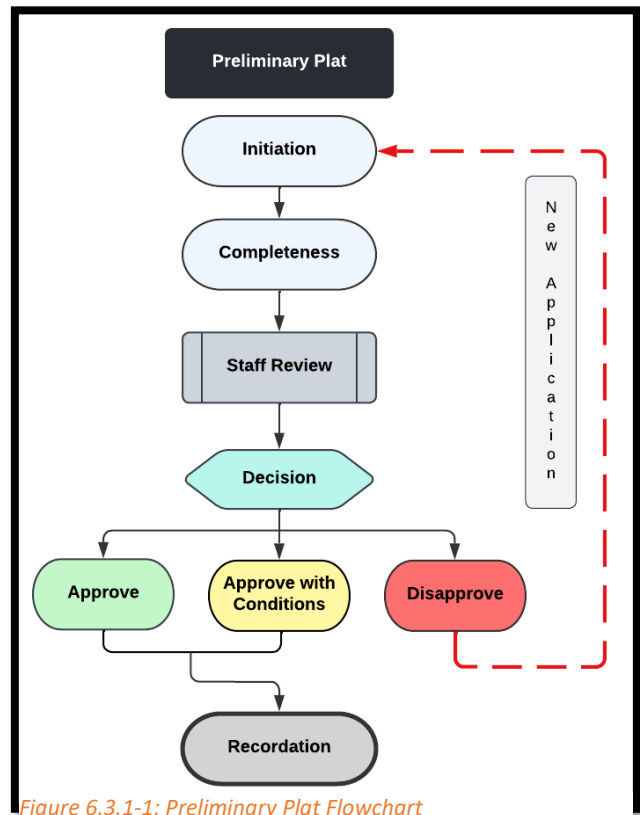


Figure 6.3.1-1: Preliminary Plat Flowchart

No person shall subdivide any tract of land except in conformity with this UDC. The Director shall approve a preliminary plat only if it conforms to:

1. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. The planned extension of major thoroughfares, streets, and public highways within McAllen, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
3. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

The Director may reconsider the conditions for granting approval within 12 months following Planning and Zoning Commission approval upon the applicant's written request. The request shall be submitted on forms approved by the Director and shall state the specific requirement or condition of approval to be reconsidered and the reasons for reconsideration. The Director may:

1. Affirm its previous action(s);
2. Rescind its previous action(s) if the merits of the situation warrant; or
3. Grant relief as provided under this UDC.

H. Appeals

See Section 6.1.15.

I. Scope of Approval

1. Preliminary plat approval is effective for a period of one (1) year.
2. If a final plat is not submitted for approval within this time, the preliminary plat becomes void unless the Director agrees to a time extension.
3. A formal request for extension with the reasons for extension must be submitted before the one (1) year deadline date.
4. Time extensions may be granted for one (1) year and may not be granted more than two (2) times.

J. Recordation

A preliminary plat is not recorded with the County Office. The Director and the applicant shall maintain copies of the preliminary plat for purposes of inspection and final plat approval.

Section 6.3.2. Final Plat

A. Applicability

This Section applies to any application for approval of a final plat of subdivision.

B. Initiation

1. The applicant shall submit a complete application for approval to the Planning and Zoning Commission within one (1) year of the preliminary plat approval date.
2. If not submitted for final plat approval within this time, the preliminary plat is void unless the Planning and Zoning Commission agrees to a time extension.
3. Where only a portion of an approved preliminary plat is submitted for final plat approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary plat approval date, if each subsequent final plat conforms substantially to the approved preliminary plat.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

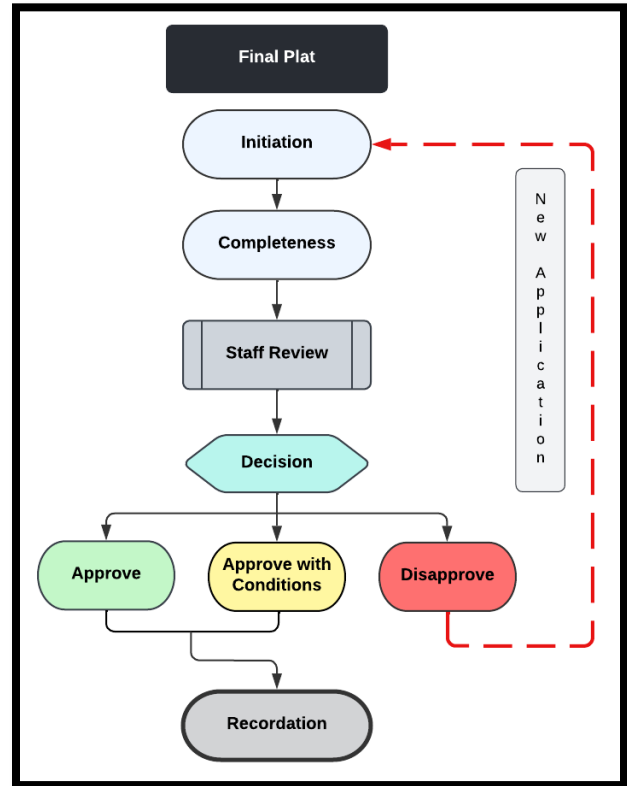
1. Planning and Zoning Commission Review

a. Substantial Compliance Required

A final plat shall be in substantial compliance with the approved preliminary plat to be reviewed by the Planning and Zoning Commission. A revised preliminary plat may be required if changes to the final plat are considered by the Planning and Zoning Commission to be substantial. Substantial changes may include the following:

- (i) Change in lot dimensions;
- (ii) Increase in the number of lots;
- (iii) Increased density;
- (iv) Change in circulation network;
- (v) Change in drainage patterns;
- (vi) Change in relationship between uses of land; and
- (vii) Change in land use in general.

2. Planning and Zoning Commission Decision



- a. Generally

The Planning and Zoning Commission shall review each final plat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

 - (i) If the final plat complies with all provisions of this UDC, the Planning and Zoning Commission shall approve the plat; or
 - (ii) Disapprove the final plat if it fails to comply with this UDC; or
 - (iii) Approve the final plat with conditions.
- b. Disapproved Decision
 - (i) If the final plat is disapproved, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Planning and Zoning Commission and shall be attached to one (1) copy of the plat and transmitted to the applicant.
- F. Reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform to standards.
 - 1. Final plats shall comply with the conditions of plat approval imposed by the Planning and Zoning Commission, if any, and the following additional requirements.
 - 2. No person shall subdivide any tract of land except in conformity with this UDC. The Planning and Zoning Commission shall approve a final plat only if it conforms to:
 - a. The preliminary plat approval substantially;
 - b. The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
 - c. The planned extension of major thoroughfares, streets, and public highways within McAllen, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
 - d. The rules and regulations of Chapter 5 of this UDC.
- G. Subsequent Applications

Not applicable.
- H. Appeals

See Section 6.1.15.
- I. Scope of Approval
 - 1. Before recording the final plat, all public ways, and service, and utility easements, and land dedication to public use must be accepted by the City.
 - 2. This approval of the plat shall be shown over the signature of the Planning and Zoning Commission and attested by the City Clerk.
 - 3. The disapproval of any plat by the Planning and Zoning Commission shall be deemed a refusal of the proposed dedication shown on the plat.
 - 4. The applicant must meet the requirements of Article 5.4 prior to City Commission acceptance of any final plat.
- J. Recordation

1. Generally

A final plat is recorded with the County Clerk within one (1) year after approval. If not filed within this time, the final plat approval becomes void.

2. Signatures Required

Signatures shall be affixed to the final plat under the following conditions:

- a. When a bond or other assurance for completion of improvements is required, endorsement of approval on the plat shall be given after the assurance has been approved by the Planning and Zoning Commission, and all the conditions of the final plat approval pertaining to the plat have been satisfied.
- b. When installation of improvements is required, endorsement of approval on the plat shall be given after all conditions of the final plat approval have been satisfied and all improvements completed and accepted. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the Planning and Zoning Commission.

3. Recording with the County

A Final Plat may be recorded under the following conditions:

- a. After the final plat approval and the affixing of all required signatures, the applicant, accompanied by the City Clerk shall file the original tracing, one (1) dark line print on cloth, and one (1) contact reproducible cloth tracing or mylar with the County Clerk.
- b. After recording, the applicant shall provide the Planning and Zoning Commission with three (3) white background prints and one (1) contact reproducible mylar.
- c. The applicant shall also submit to the Planning and Zoning Commission a copy of the recorded plat.
- d. The applicant shall pay all required County recording fees.
- e. No plat or other land subdivision instrument shall be recorded with the County Clerk until approved by the City as required.

Section 6.3.3. Minor Plat

A. Applicability

This Section applies to final plats that do not involve the extension of services or acceptance of public infrastructure, and do not require a preliminary plat.

B. Initiation

The applicant shall submit a minor plat application to the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Generally

The Director shall review each minor plat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- a. If the minor plat complies with all provisions of this UDC, the Director shall approve the plat;
- b. Disapprove the minor plat if it fails to comply with this UDC; or
- c. Approve the minor plat with conditions.

2. Disapproved Decision

- a. If the minor plat is disapproved, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
- b. Reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.

3. Approved with Conditions Decision

If the minor plat is approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.

F. Standards

No person shall subdivide any tract of land except in conformity with this UDC. The Director shall approve a minor plat only if it conforms to:

- 1. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

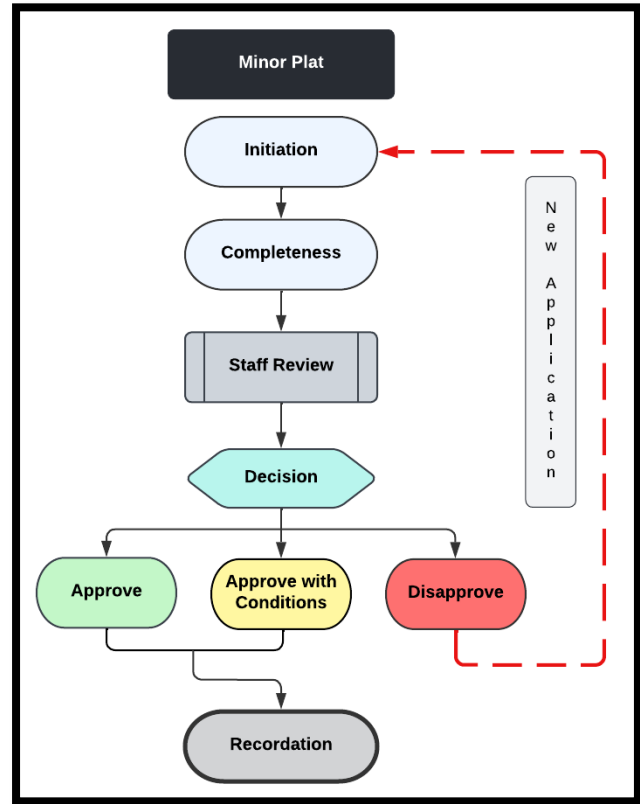


Figure 6.3.3-1: Minor Plat Flowchart

2. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within McAllen and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

3. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15.

I. Scope of Approval

Minor plats are valid for thirty (30) months from the initial date of approval. The Director may, upon written request of the owner or applicant and in conformity with the submittal requirements of this Article, extend this term for only one (1) additional 6-month period.

J. Recordation

A minor plat is recorded in the same manner as a final plat (see Section 6.3.2.J).

Section 6.3.4. Amending Plat

A. Applicability

This Section applies to amending plats described by Texas Local Government Code § 212.016.

B. Initiation

The applicant shall submit an amending plat application to the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Generally

The Director shall review each amending plat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- a. If the amending plat complies with all provisions of this UDC, the Director shall approve the plat;
- b. Disapprove the amending plat if it fails to comply with this UDC; or
- c. Approve the amending plat with conditions.

2. Disapproved Decision

- a. If the amending plat is disapproved, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
- b. Reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.

3. Approved with Conditions Decision

If the amending plat is approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.

F. Standards

No person shall subdivide any tract of land except in conformity with this UDC. The Director shall approve an amending plat only if it conforms to:

- 1. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

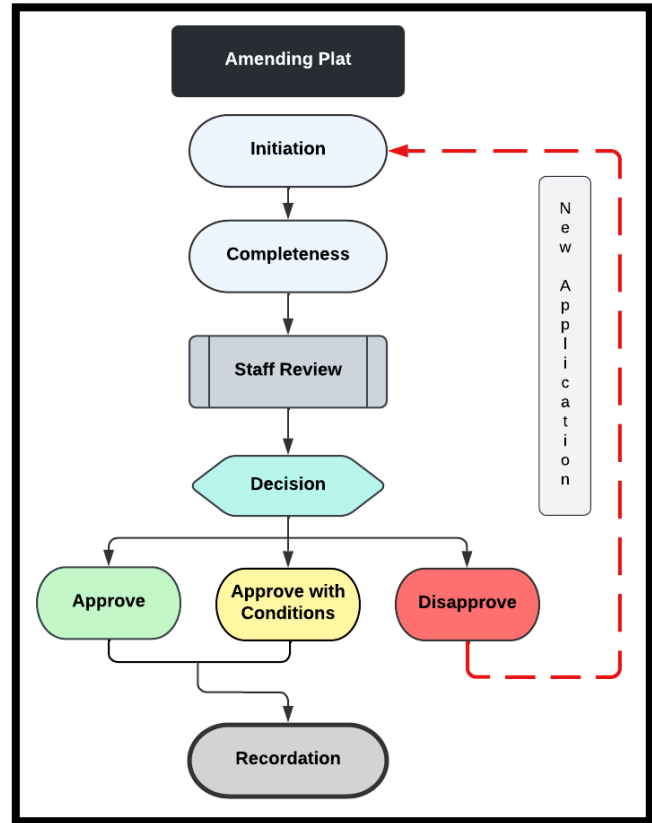


Figure 6.3.4-1: Amending Plat Flowchart

2. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within McAllen and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

3. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15.

I. Scope of Approval

Amending plats are valid for thirty (30) months from the initial date of approval. The City Commission may, upon written request of the owner or applicant and in conformity with the submittal requirements of this Article, extend this term for only one (1) additional 6-month period.

J. Recordation

An amending plat is recorded in the same manner as a final plat (see Section 6.3.2.J).

Section 6.3.5. Replat

A. Applicability

Pursuant to Texas Local Government Code § 212.014, 212.0145, and 212.015, a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if either:

1. The replat:
 - a. Is signed and acknowledged by only the owners of the property being replatted;
 - b. Is approved by the Planning and Zoning Commission; and
 - c. Does not attempt to amend or remove any covenants or restrictions; or
2. The replat:
 - a. Is signed and acknowledged by only the owners of the property being replatted; and
 - b. Involves only property:
 - (i) Of less than one acre that fronts an existing street; and
 - (ii) That is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention.
3. Either:
 - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

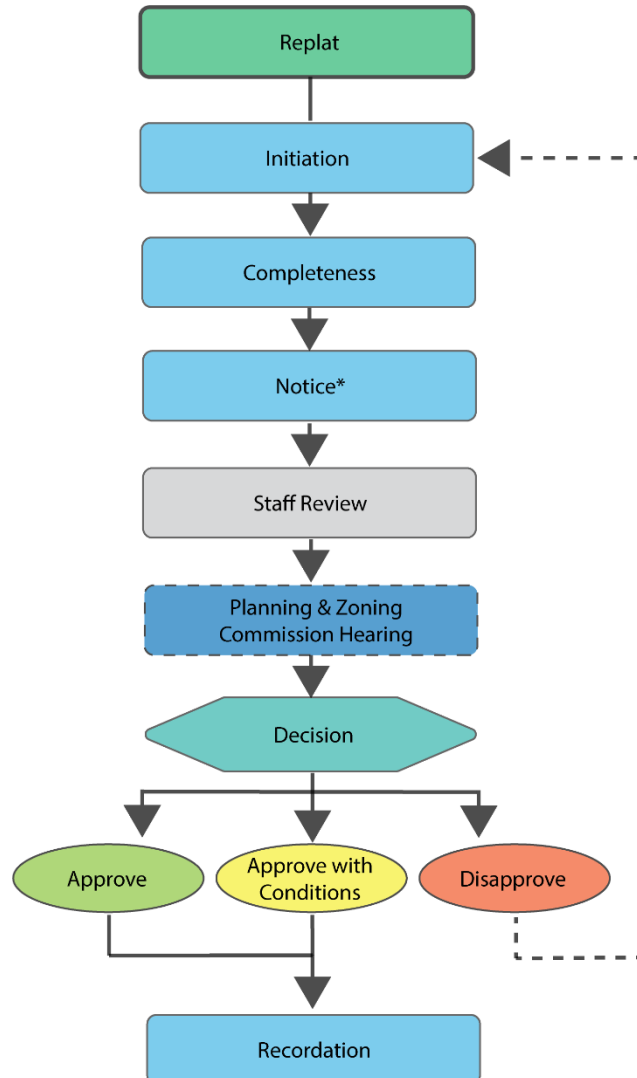


Figure 6.3.5-1: Replat Flowchart

B. Initiation

Unless Section 6.3.5.A.2 applies, the applicant shall submit a replat application with the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice

In addition to the noticing requirements in Section 6.1.7, the additional noticing requirements apply:

1. A residential replat conforming to the provisions provided by Texas Local Government Code Section 212.015, and including a subdivision waiver petition shall comply with the following noticing requirements.
 - a. Publication of a public hearing in an official newspaper or a newspaper of general circulation fifteen (15) calendar days before the date of the hearing; and
 - b. Issuance of a written notice by mail to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
2. A residential replat conforming to the provisions provided by Texas Local Government Code Section 212.015, and not including a subdivision waiver petition shall comply with the following noticing requirements:
 - a. Issuance of a written notice by mail to property owners of lots located within two hundred (200) feet of the subject property based on the most recently approved County tax roll shall be issued no later than fifteen (15) days after the plat is approved. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
 - b. The written notice shall include:
 - (i) The zoning designation of the property after the replat; and
 - (ii) A telephone number and e-mail address that a property owner can contact regarding the application approval.

E. Decision

1. Director Review

The Director shall review the replat application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning and Zoning Commission agenda, and provide a recommendation to the Planning and Zoning Commission to:

- a. Approve the replat;
 - b. Disapprove the replat; or
 - c. Approve the replat with conditions.
2. Planning and Zoning Commission Decision

a. Generally

The Planning and Zoning Commission shall review each replat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- (i) If the replat complies with all provisions of this UDC, the Planning and Zoning Commission shall approve the replat; or
 - (ii) Approve the replat with conditions; or
 - (iii) Disapprove the replat if it fails to comply with this UDC.
- b. Approved with Conditions or Disapproved

- (i) If the replat is disapproved or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
 - (ii) Reasons for disapproval or conditional approval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
 - (iii) On a conditional plat approval, the Planning and Zoning Commission may require submission of a revised replat.
3. If Section 6.3.5A3 applies and requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (¾) of the members present of the Planning and Zoning Commission. For a legal protest, written instruments signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.
- a. In computing the percentage of land area under this subsection, the area of streets and alleys are included.
 - b. This subsection does not apply if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

F. Standards

No person shall replat any tract of land except in conformity with this Chapter. The Planning and Zoning Commission shall approve a replat only if it conforms to:

- 1. The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
- 2. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within McAllen and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
- 3. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

Not applicable.

I. Scope of Approval

- 1. The replat may be recorded and is controlling over the preceding plat without vacation of that plat.
- 2. Replats are valid for thirty (30) months from the initial date of approval. The Planning and Zoning Commission may, upon written request of the owner or applicant and in conformity with the submittal requirements of this Article, extend this term for only one (1) additional 6-month period.

J. Recordation

A replat is recorded in the same manner as a final plat (see Section 6.3.2.J).

Section 6.3.6. Conveyance Plat²¹

A. Applicability

A conveyance plat may be used in lieu of a final plat to record only the subdivision of property in the following instances:

1. Remainder Tract

To record the remainder of a tract that was created by plat provided that the remainder is not intended for immediate development, and the remainder of a tract that was involved in the plat is larger than five (5) acres.

2. Inheritance or Holding Tract

To record a subdivision of land into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required Public Improvements exist to the City's current standards prior to approval and minimum frontage requirements are met.

a. All public right-of-way must be dedicated, and all abutting streets and utilities must be installed and accepted by the City.

b. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated allowing access to public infrastructure or drainage ways from the parent tract to all lots included in the plat, if applicable.

B. Initiation

Unless Section 6.3.6.A.2 applies, the applicant shall submit a conveyance plat application with the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable

E. Decision

1. Generally

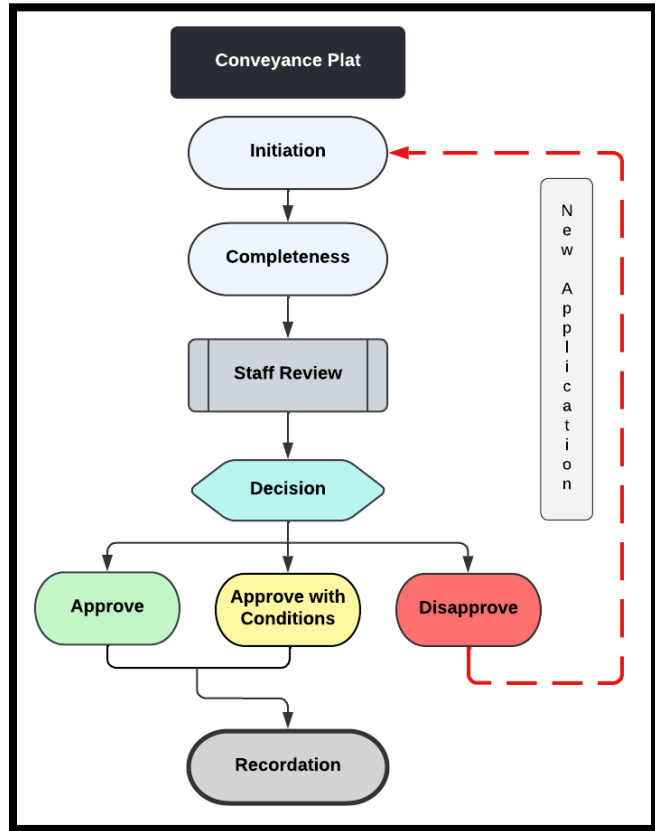


Figure 6.3.6-1: Conveyance Plat Flowchart

²¹ Given state law changes, is a conveyance plat necessary? Should we abolish the conveyance plat option? Also, if retaining the conveyance plat option, should this receive PZ and staff approval?

The Director shall review each conveyance plat submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- a. If the conveyance plat complies with all provisions of this UDC, the Director shall approve the plat;
 - b. Disapprove the conveyance plat if it fails to comply with this UDC; or
 - c. Approve the conveyance plat with conditions.
2. Disapproved Decision
- a. If the conveyance plat is disapproved, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
 - b. Reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
3. Approved with Conditions Decision
- a. If the conveyance plat is approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
 - b. On a conditional plat approval, the Director may require submission of a revised conveyance plat.

F. Standards

No person shall plat any tract of land except in conformity with this Chapter. The Director shall approve a conveyance plat only if it conforms to:

1. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within McAllen and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
3. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

Not applicable.

I. Scope of Approval

A conveyance plat:

1. Does not authorize development.
2. Is a map of property approved by the City solely for the purpose of sale or conveyance in its entirety or interest as defined.
3. Requires the applicant and future owner(s) of the property to remain obligated to comply with all provisions in this UDC upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in these regulations.

J. Recordation

1. Generally, a conveyance plat is recorded in the same manner as a final plat (see Section 6.3.2.J).
2. A conveyance plat shall contain the following notes:
 - a. "CONVEYANCE PLAT ONLY: NOT FOR DEVELOPMENT"
 - b. "A conveyance plat is a map of property approved by the City solely for the purpose of sale or conveyance in its entirety or interest thereon defined. Lots created by a conveyance plat may not have all necessary public utilities available for immediate use. No certificate of occupancy shall be issued nor permanent public utility service provided to any lot(s) created by a conveyance plat until all required public improvements have been constructed and accepted by the City, and a final plat is recorded with the County Clerk. Selling a portion of property by metes and bounds, except as shown on a recorded final plat, amending plat, minor plat, or replat is a violation of the City's development code contained in the UDC and state law."

Section 6.3.7. Plat Vacation

A. Applicability

Pursuant to Texas Local Government Code § 212.013:

1. The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold, or
2. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

B. Initiation

1. Initiation by Property Owner

An application for a plat vacation can be submitted before or after lots have been sold, however it must be acknowledged and approved by all property owners of lots reflected in the plat vacation.

2. Initiation by City Commission

If the City Commission, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety, and welfare of the community; and:

- a. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City;
- b. The property owner has breached a development agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
- c. The plat has been of record for more than five (5) years, and the City Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare of the community, except that the vacation shall apply only to lots owned by the property owner or its successors.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007 façade, as applicable.
2. A public hearing is required and shall comply with Section 6.1.9.

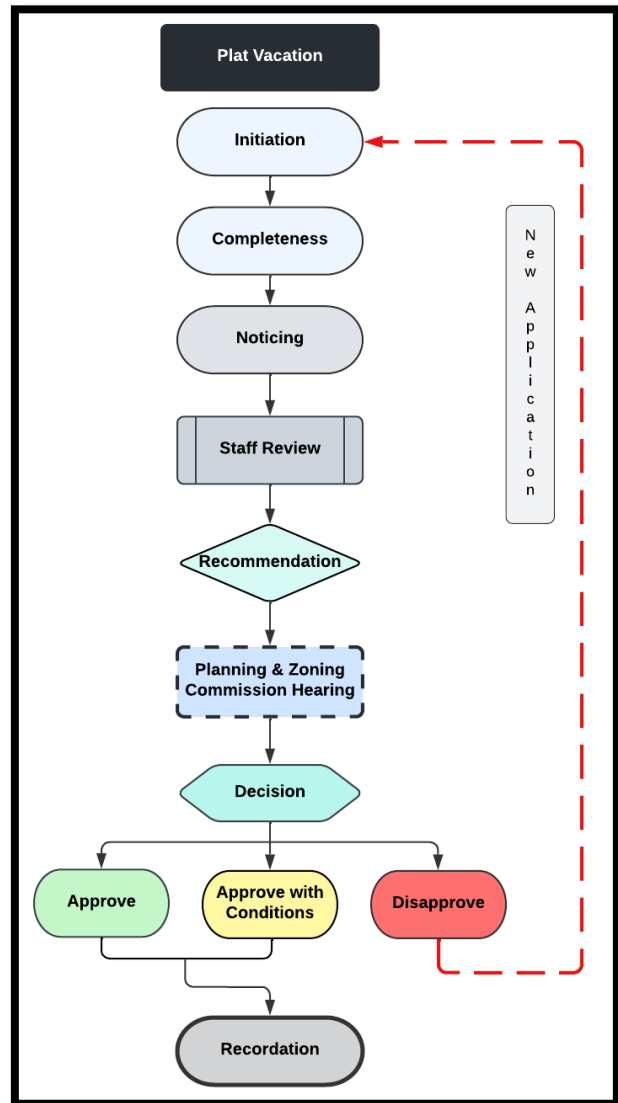


Figure 6.3.7-1: Plat Vacation Flowchart

E. Decision

1. Director Review

The Director shall review the plat vacation application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning and Zoning Commission agenda, and provide a recommendation to the Planning and Zoning Commission to:

- a. Approve the plat vacation;
- b. Disapprove the plat vacation; or
- c. Approve the plat vacation with conditions.

2. Planning and Zoning Commission Decision

a. Generally

The Planning and Zoning Commission shall review each plat vacation submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

- (i) If the plat vacation complies with all provisions of this UDC, the Planning and Zoning Commission shall approve the plat vacation;
- (ii) Approve the plat vacation with conditions; or
- (iii) Disapprove the plat vacation if it fails to comply with this UDC.

b. Approved with Conditions or Disapproved

- (i) If the plat vacation is disapproved or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Director and shall be attached to one (1) copy of the plat and transmitted to the applicant.
- (ii) Reasons for disapproval or conditional approval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
- (iii) On a conditional plat approval, the Planning and Zoning Commission may require submission of a revised plat vacation.

c. Automatic Approval

If no action is taken by the Planning and Zoning Commission at the end of the thirty (30) day period, the plat vacation shall be deemed approved.

F. Standards

The Planning and Zoning Commission shall approve a plat vacation only if it conforms to:

1. The requirements established in Section 6.3.7.B;
2. The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
3. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within McAllen and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
4. The rules and regulations of Chapter 5 of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

Not applicable.

I. Scope of Approval

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
2. The Planning and Zoning Commission, at its discretion, shall have the right to retain all or specific portions of right-of-way or easements shown on the plat being considered for vacation. However, the Planning and Zoning Commission shall consider a plat vacation upon satisfactory conveyance of easements or right-of-way in a separate legal document using forms provided by the City attorney's office.

J. Recordation

The plat vacation may be recorded with the County Clerk after:

1. The Planning and Zoning Commission has approved the plat; and
2. The applicant has revised the plat to address any conditions imposed by the Planning and Zoning Commission with the approval of the plat.

Article 6.4. Relief Procedures

Section 6.4.1. Variance

A. Applicability

The Zoning Board of Adjustment may authorize, in specific cases due to hardship, a variance from the terms of this UDC. [Reference: Texas Local Government Code § 211.009(a)(3)]

B. Initiation

An application for a variance shall be submitted to the Director.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. A public hearing is required and shall comply with Section 6.1.9.

E. Decision

1. The Zoning Board of Adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.
2. The Zoning Board of Adjustment may, in whole or in part:
 - a. Approve the variance;
 - b. Deny the variance; or
 - c. Approve the variance with conditions.
3. The concurring vote of 75% of the members of the Zoning Board of Adjustment is required to grant a variance per Texas Local Government Code § 211.009(c).

F. Standards

The Zoning Board of Adjustment shall not approve a variance unless it finds that:

1. The variance is not contrary to the public interest;
2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
3. The spirit of the varied provision is observed and substantial justice is done.

G. Subsequent Applications

If the variance request is denied, the applicant shall not submit a variance request of similarity on the same property for at least six (6) months.

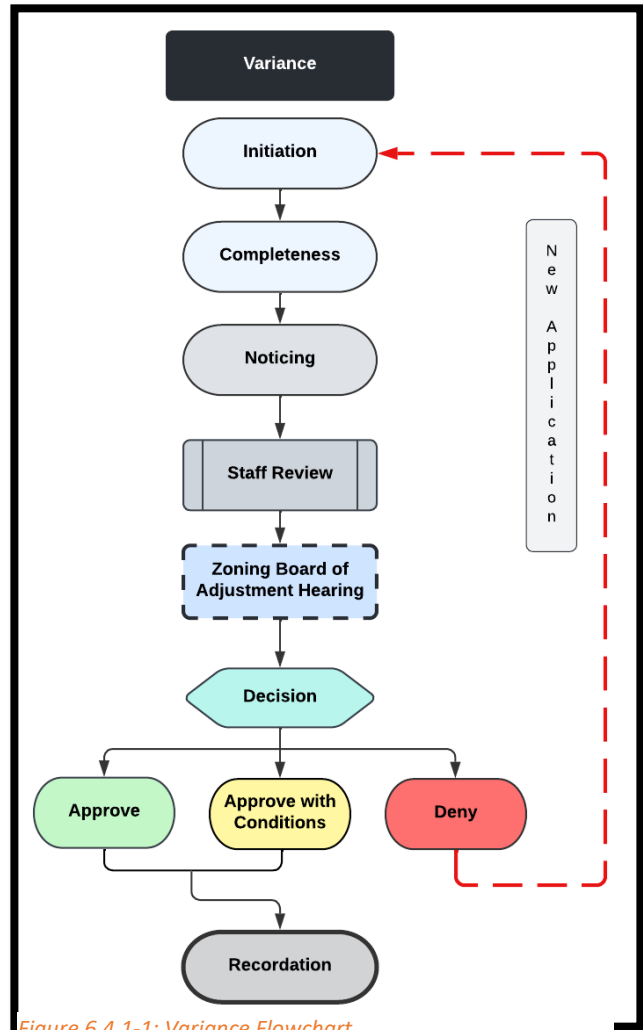


Figure 6.4.1-1: Variance Flowchart

H. Appeals

A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

I. Scope of Approval

After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

J. Recordation

The Director shall maintain a copy of any order of the Zoning Board of Adjustment pursuant to this Section.

Section 6.4.2. Special Exception

A. Applicability

1. The Zoning Board of Adjustment is authorized to hear and decide a special exception in accordance with this Section.
2. A special exception is an allowed variation from the regulations of this UDC, but is differentiated from a variance in two ways as described below.
 - a. No Hardship Required
A special exception does not require a finding of an unnecessary hardship.
 - b. Specifically Allowed and Pre-Determined by the UDC
Approval of a special exception by the Zoning Board of Adjustment is specifically provided for and defined in this UDC.
3. Special exceptions pertain to property owners and not properties themselves. A new property owner shall reapply for the special exception.

B. Initiation

The Zoning Board of Adjustment may grant a special exception upon receiving a written request from the property owner or authorized agent.

C. Completeness

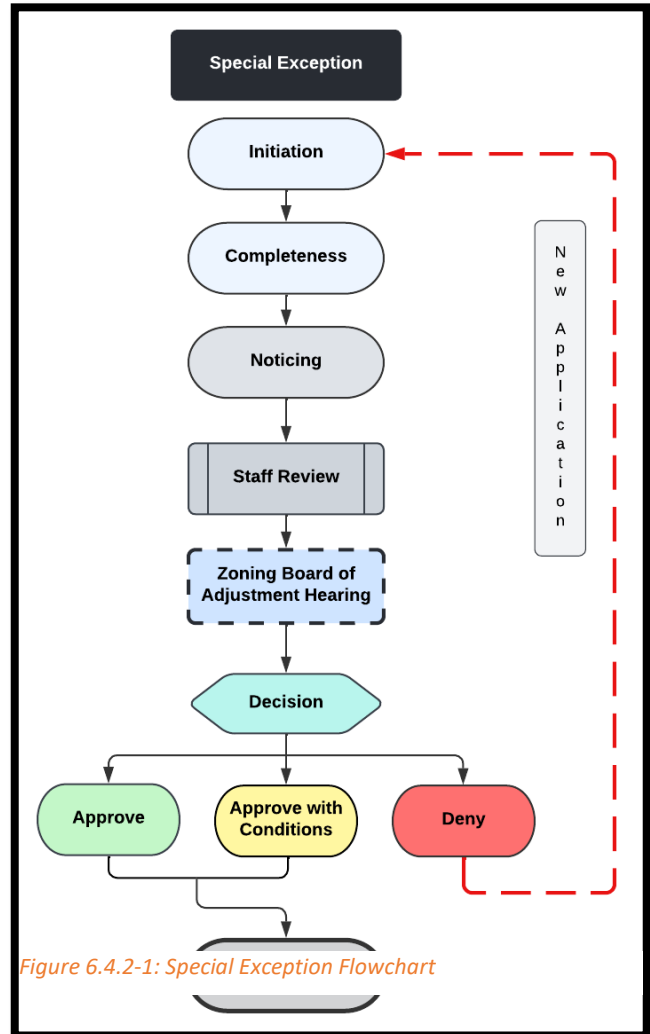
See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. A public hearing is required and shall comply with Section 6.1.9.

E. Decision

1. The Zoning Board of Adjustment shall conduct a public hearing on the special exception and shall render its decision after the hearing is closed.
2. The Zoning Board of Adjustment may, in whole or in part:
 - a. Approve the special exception;
 - b. Deny the special exception; or
 - c. Approve the special exception with conditions.



3. The concurring vote of 75% of the members of the Zoning Board of Adjustment is required to grant a special exception per Texas Local Government Code § 211.009(c).
4. In granting a special exception, the Zoning Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which a nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this UDC.

F. Standards

If the Zoning Board of Adjustment finds that the public convenience and welfare shall be substantially served and the appropriate use of the neighboring property shall not be substantially injured, the Zoning Board of Adjustment may authorize the following special exceptions to the regulations herein established:

1. Nonconforming Uses

Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a nonconforming use.

2. Building Setbacks

For existing buildings that were legally constructed prior to the effective date of this UDC, the Zoning Board of Adjustment may authorize a special exception to allow reconstruction of a building over a setback line or allow a building to be set back further than a build-to line established by this UDC.

3. Cell Tower Height

a. The Zoning Board of Adjustment may approve a special exception for an antenna support structure that exceeds thirty-five (35) feet in height if the structure is set back an additional foot from the minimum required setback for each foot in height above thirty-five (35) feet to a maximum height of eighty (80) feet in nonresidential zoning districts excluding industrial zoning districts) and one hundred twenty (120) feet in industrial zoning districts.

b. Only one antenna facility exceeding thirty-five (35) feet in height is permitted on each lot.

4. Building Height

The Zoning Board of Adjustment may permit a building height that exceeds the maximum building height for that zoning district in which that building is located by up to a twenty-five percent (25%) height increase.

5. Landscaping

The Zoning Board of Adjustment may permit landscaping that varies by more than ten percent (10%) from the requirements of landscaping regulations.

6. Parking

In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which that use is located, is other than by private automobile, required parking may be reduced up to fifty percent (50%) by the Zoning Board of Adjustment.

G. Subsequent Applications

No request for a special exception that has been denied shall be further considered by the Zoning Board of Adjustment under a subsequent request unless:

1. Six (6) months have elapsed from the date of denial; or

2. Conditions relative to other property in the immediate vicinity, within the that six-month period, have been changed or acted on by the Zoning Board of Adjustment or City Commission so as to alter the facts and conditions on which the previous Board of Adjustment action was based.

H. Appeals

A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

I. Scope of Approval

After a final decision on the special exception is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

J. Recordation

The Director shall maintain a copy of any order of the Zoning Board of Adjustment pursuant to this Section.

Section 6.4.3. Minor Modification

A. Applicability

1. This Section establishes a provision for minor modifications associated with the review and approval of a Development, including improvements to existing structures or site features, as required in Chapter 4.
2. The purpose of minor modifications is to ensure that:
 - a. A proposed development complies with the purpose and intent of this UDC;
 - b. A proposed project meets requirements that are appropriate for lots or sites and site-specific development challenges by applying a flexible approval procedure. A development may be interpreted to include redevelopment of lots or sites with existing improvements and encumbrances that may pose unique challenges to complying with the requirements of this UDC; and
 - c. To allow for different standards that are in agreement with the City’s Comprehensive Plan and that produce a substantially equivalent effect as the requirements of this UDC.

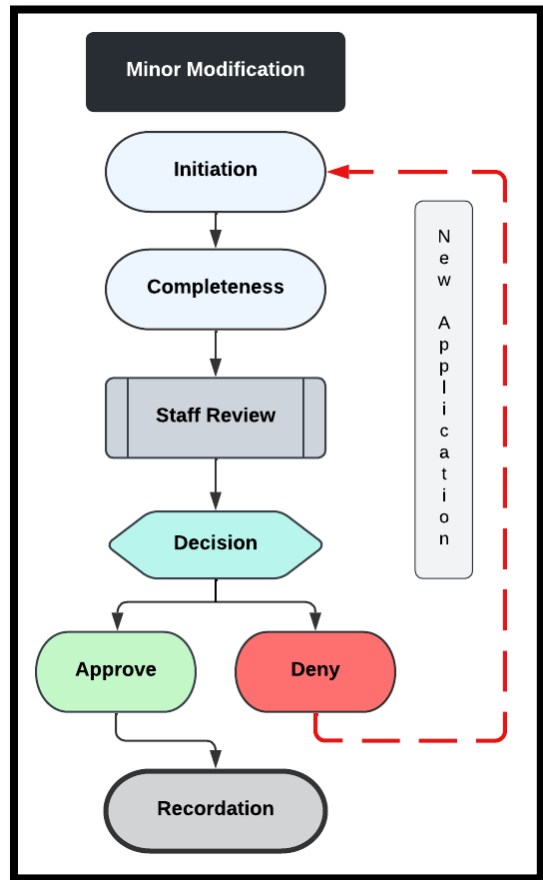


Figure 6.4.3-1: Minor Modification Flowchart

3. Minor modification requests must be clearly delineated graphically or in narrative format, as appropriate, on the Site Plan (or on the project’s initial application), including a reference to the specific section within this UDC that allows consideration of a minor modification standard required in Chapter 4.
4. The applicable zoning district standards for a project shall not be reduced or varied using the minor modification process unless the standard is specifically cited as qualifying for minor modification in this UDC.

B. Initiation

A request for minor modification, as specifically cited within this UDC, may be submitted for review and approval along with the site plan for a project, or along with the project’s initial application (as applicable for the project).

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director shall review the site plan and shall act to:

1. Approve the minor modification; or
2. Deny the minor modification.

F. Standards

1. The requested minor modification is consistent with the recommendations and policies of the City's Comprehensive Plan.
2. The proposed minor modification does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing the standards of other requirements.
3. The proposed minor modification does not attempt to modify the land uses allowed in the zoning district in which the subject property is located, or to add a land use not normally allowed in the zoning district.

G. Subsequent Applications

Not applicable.

H. Appeals

1. The Applicant may appeal the Director's decision within thirty (30) calendar days of the Director providing a written decision to the applicant.
2. The appeal shall be placed on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission may either affirm, reverse, or modify the Director's decision.

I. Scope of Approval

After a minor modification is approved, the Director may apply the approval to a pending site plan review. Once the minor modification and the site plan are approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of the minor modification and site plan approval.

J. Recordation

The applicant and Director shall maintain a copy of minor modification approval.

Section 6.4.4. Subdivision Waiver

A. Applicability

1. An applicant may request a subdivision waiver of a particular standard or requirement applicable to a preliminary plat, to construction plans, or where no preliminary plat application has been submitted for approval, to a final plat or a replat.
2. A subdivision waiver petition shall be specific in nature and shall only involve relief consideration for one standard or requirement.
3. An applicant may, if desired, submit more than one subdivision waiver petition if there are several standards or requirements at issue.

B. Initiation

1. A request for a subdivision waiver shall be submitted in writing by the applicant with the recording of any plat or construction plan application.
2. No subdivision waiver may be considered or granted unless the applicant has made such written request.
3. The applicant's subdivision waiver request shall state the grounds for the subdivision waiver request and all failure to do so, shall result in denial of the application.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
2. A public hearing is required and shall comply with Section 6.1.9.

E. Decision

1. Director Review

The Director shall review the waiver application, send the application to other departments and entities for review (i.e., Planning, Fire, Health, etc.), place the application on the next Planning and Zoning Commission agenda, and provide a recommendation to the Planning and Zoning Commission to:

- a. Approve the waiver;
- b. Deny the waiver; or

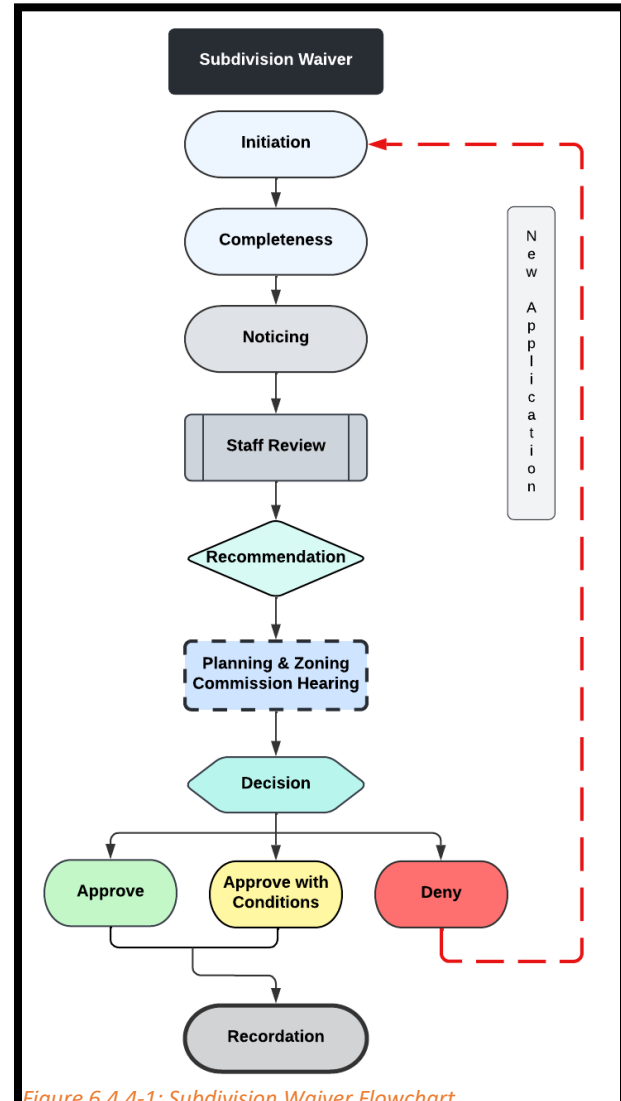


Figure 6.4.4-1: Subdivision Waiver Flowchart

- c. Approve the waiver with conditions.
 2. Planning and Zoning Commission Decision
 - a. Generally

The Planning and Zoning Commission shall review each waiver submitted pursuant to this UDC and take the following action within thirty (30) days of the submittal date by the applicant, unless additional time is agreed to by the applicant to:

 - (i) Approve the waiver;
 - (ii) Deny the waiver; or
 - (iii) Approve the waiver with conditions.
 - b. Approved with Conditions or Denied
 - (i) If the waiver is denied or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Planning and Zoning Commission Chairperson and shall be attached to one (1) copy of the plat and transmitted to the applicant.
 - (ii) Reasons for denial or conditional approval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
 - (iii) On a conditional approval, the Planning and Zoning Commission may require submission of a revised waiver.
 - c. Automatic Approval

If no action is taken by the Planning and Zoning Commission at the end of the thirty (30) day period, the waiver shall be deemed approved.
- F. Standards
 1. A subdivision waiver to regulations within this UDC may be approved only when, in the Planning and Zoning Commission's opinion, undue hardship shall result from strict compliance to the regulations.
 2. The Planning & Zoning Commission shall consider the following factors:
 - a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - b. The number of persons who shall reside or work in the proposed development;
 - c. The effect such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity; and
 - d. Financial hardship to the applicant shall not be deemed to constitute undue hardship.
 3. No subdivision waiver shall be granted unless the Planning and Zoning Commission finds that:
 - a. There are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this UDC would deprive the applicant of the reasonable use of their land;
 - b. The subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver shall not be detrimental to the public health, safety or welfare or injurious to other property in the area;
 - c. The granting of the subdivision waiver shall not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this UDC; and

- d. The granting of the subdivision waiver shall not constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or comprehensive plan of the City.
- 4. If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver and shall be grounds for reconsideration of the subdivision waiver request.
- G. Subsequent Applications
Not applicable.
- H. Appeals
Not applicable.
- I. Scope of Approval
Following the approval of a subdivision waiver, the applicant may submit or continue the processing of a plat or construction plans, as applicable.
- J. Recordation
The applicant and City Engineer shall maintain a copy of the subdivision waiver approval.

Section 6.4.5. Subdivision Proportionality Appeal

A. Applicability

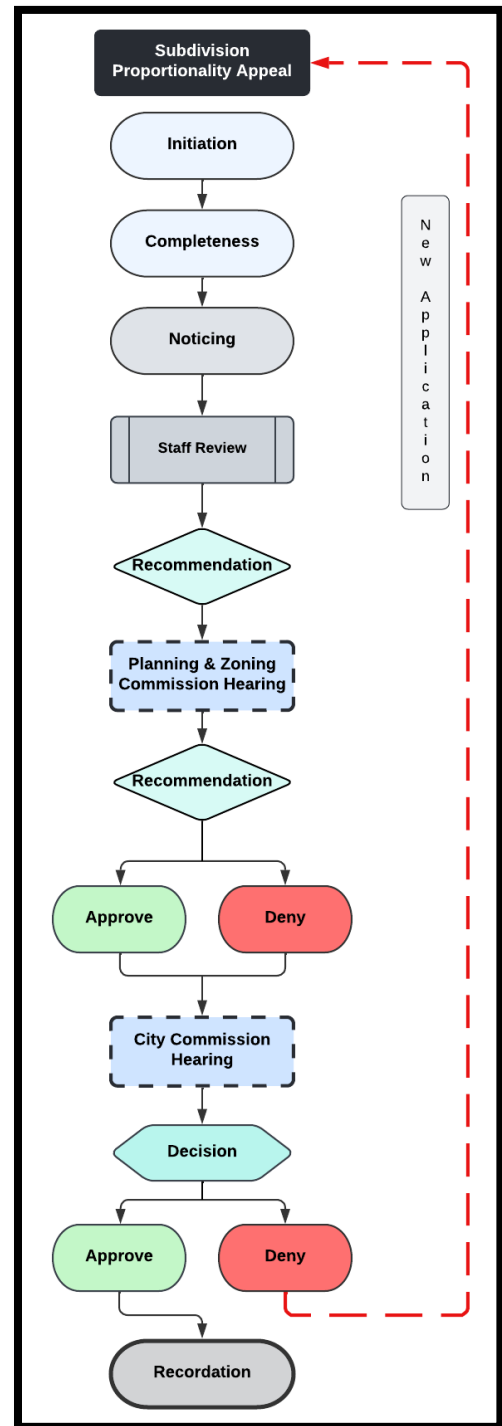
1. A subdivision proportionality appeal provides a means of relief from a requirement for dedication, construction, payment of a fee, other than an impact fee authorized by Chapter 395 of the Texas Local Government Code, while ensuring that the imposition of uniform dedication, construction, and fee standards to a proposed Subdivision does not result in a disproportionate burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed development on the 'City's roadways and public facilities systems.
2. An applicant may file a petition for relief under this Section and Texas Local Government Code Section 212.904 to contest any requirement to dedicate land or to construct public facilities as required by this UDC, other ordinance, or attached as a condition to approval of the application for construction plans.
3. This Section may not be used to waive standards on grounds applicable to any subdivision waiver application, as outlined in Section 6.4.4.

B. Initiation

1. The petition for relief from a dedication, construction, or fee requirement must demonstrate that the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the 'City's storm drainage, parks or transportation system, or does not reasonably benefit the proposed Subdivision.
2. The applicant must file the petition for relief from a dedication, construction, or fee requirement with the Director within fifteen (15) business days following the decision to conditionally approve or deny an application.
3. The applicant must file the study in support of the petition within sixty (60) calendar days following the 'Director's initial decision, unless the applicant requests an extension in writing.
4. The Director may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.

C. Completeness

1. The applicant shall generally meet the requirements of Section 6.1.6B.



2. The applicant shall provide a study in support of the relief petition as a part of the completeness process. The study shall include the following information:
 - a. Capacity Utilized
 - (i) An assessment of total capacity of the 'City's storm drainage, parks or transportation system, including bicycle and pedestrian facilities, to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision.
 - (ii) If the subdivision is to be developed in phases, the information identified in this Section must be provided for the entire subdivision proposed, including any phases already developed.
 - b. Capacity Supplied
 - (i) An assessment of total capacity to be supplied to the 'City's storm drainage, parks, or roadway system by the proposed dedication of an interest in land or construction of public facilities.
 - (ii) If the application is part of a phased development, the information must include any capacity supplied by prior dedications or construction of public facilities.
 - c. Capacity Comparison
 - (i) A comparison of the capacity of the 'City's public facilities system(s) to be consumed by the proposed subdivision with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of public facilities, or payment of a fee.
 - (ii) In making this comparison, the impacts on the 'City's public facilities system from the entire subdivision shall be considered.
 - d. A determination of potential City participation in the costs of oversizing the public improvement to be constructed in accordance with the 'City's requirements, and the outcomes of such participation.
 - e. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.
 3. Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the Director only when such petition or study is accompanied by verification that a copy has been delivered to, and accepted and approved by the County, as applicable.
- D. Notice and Hearing(s)
1. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
 2. Two public hearings are required and shall comply with Section 6.1.9.
- E. Decision
1. Director Review

The Director shall review the petition for relief and shall provide a recommendation to the Planning and Zoning Commission to:

 - a. Approve the petition for relief; or
 - b. Deny the petition for relief.
 2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the petition for relief. The public hearing shall be recessed and continued to a time and date certain, at least ten (10) days after the initial

hearing after which a second meeting shall occur. The Planning and Zoning Commission shall submit its recommendation to the City Commission:

- a. To approve the petition for relief; or
- b. To deny the petition for relief.

3. City Commission Decision

The City Commission shall consider the petition for relief at a public hearing after a recommendation has been provided by the Planning and Zoning Commission. After the hearing is closed, the City Commission shall:

- a. Approve the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality;
- b. Approve the petition for relief, and direct that the City participate in the costs of acquiring land for or constructing the Public Improvement under standard participation policies; or
- c. Deny the petition for relief and impose the dedication or construction requirement as required by this UDC.

F. Standards

1. The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the applicant.
2. The City Commission shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the 'City's storm drainage, parks, pedestrian infrastructure, or roadway system, and whether the application of the standard or condition reasonably benefits the subdivision.
3. The City Commission shall consider the evidence submitted by the applicant, the report and recommendation of the Director, the recommendation of the Planning and Zoning Commission and, where the property is located within the 'City's ETJ, any recommendations from the County, and the following, as applicable:
 - a. Consistency with the Comprehensive Plan;
 - b. Adverse impacts on neighboring lands; and
 - c. Health, safety, and welfare of the City.
4. The City may participate in the costs of public facilities, credit or offset the obligations against payment of fees, or relieve the property owner any of the obligations in response to a petition for relief from a dedication or construction requirement if participation or credit shall achieve proportionality between the demands created by a proposed subdivision on public facilities and the obligation to provide adequate public facilities.

G. Subsequent Applications

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public improvement and the City 'Commission's decision is to grant some level of relief, the Subdivider must resubmit the application within sixty (60) business days following the date the petition for relief is granted, in whole or in part, showing conformity with the City 'Commission's decision on the petition.

1. If the application is not resubmitted within the sixty (60) day period, the application and the relief granted by the City Commission on the petition shall expire.

2. If the re-submittal of the application is modified in any other way, a new petition for relief may be required by the Director.
3. If the application for which relief was granted is denied on other grounds, a new petition for relief may be required by the Director.

H. Appeals

Not applicable.

I. Scope of Approval

1. The applicant shall submit a modified application or supporting materials to the Director consistent with the relief granted by the City Commission on the petition.
2. The relief granted on the petition shall remain in effect for the period the application is in effect and shall expire upon expiration of the construction plans or plat.

J. Recordation

The applicant and Director shall maintain a copy of the approved relief.

Section 6.4.6. Economic Hardship Waiver

A. Applicability

An economic hardship waiver may be submitted to the Historic Preservation Officer as a result of a denied certificate of appropriateness decision.

B. Initiation

Within ten (10) calendar days of receipt of written notification from McAllen Historic Preservation Council of the denial of a certificate of appropriateness to demolish a resource or any part of it, an aggrieved applicant may file an economic hardship waiver application with the Historic Preservation Officer.

C. Completeness

1. Generally, refer to Section 6.1.6.B.
2. Within sixty (60) calendar days of applicant's receipt of the denial notice, a waiver applicant must have a complete application on file, including all required documentation and exhibits, including, without limitation:
 - a. Appraisal of property by a licensed real estate appraiser;
 - b. Estimated costs for appropriate rehabilitation prepared by a licensed architect or engineer with experience in historic preservation;
 - c. Documentation of consideration of alternative uses for the property; and
 - d. Documentation of public advertisement to solicit a buyer willing to appropriately rehabilitate their property.

D. Notice and Hearing(s)

1. Generally
 - a. Noticing shall comply with Section 6.1.7 and Texas Local Government Code § 211.007(c), as applicable.
 - b. A public hearing is required and shall comply with Section 6.1.9.
2. Additional Requirements
 - a. The McAllen Historic Preservation Council shall hold a public hearing on the hardship waiver application no later than the second regular council meeting from the date the completed application is received by the Historic Preservation Officer.
 - b. The applicant shall be given written notice of the time and place of the meeting by regular mail sent at least five (5) business days before the meeting to the address on the application.

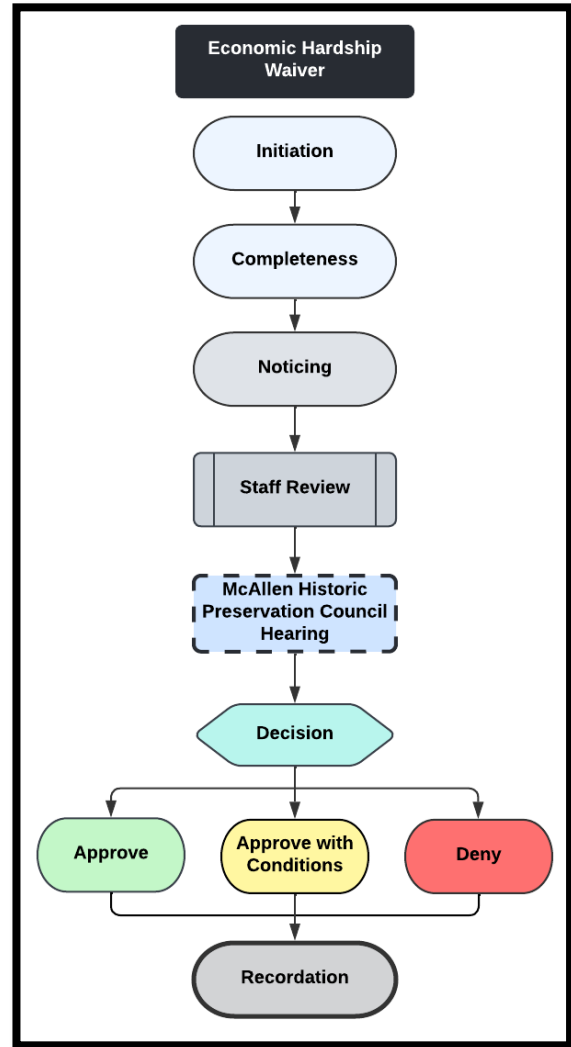


Figure 6.4.6-1: Economic Hardship Waiver Flowchart

- c. Written notices shall be sent in a manner similar to that provided in [subsection 138-57\(3\)](#), and official signs shall be posted as is provided in [subsection 138-57\(4\)](#), with the word, "NOTICE OF HARDSHIP APPLICATION FOR WAIVER OF CERTIFICATE OF APPROPRIATENESS", with the number and location of said signs determined by the McAllen Historic Preservation Council.

E. Decision

- 1. The McAllen Historic Preservation Council shall conduct a public hearing on the waiver and shall render its decision after the hearing is closed.
- 2. The McAllen Historic Preservation Council may, in whole or in part:
 - a. Approve the waiver;
 - b. Deny the waiver; or
 - c. Approve the waiver with conditions.
- 3. A written notice of the McAllen Historic Preservation Council's decision, stating the reasons for approving or denying the hardship waiver application, shall be sent to the applicant by certified mail within five (5) business days after it is rendered.
- 4. If the McAllen Historic Preservation Council does not act within one hundred twenty (120) calendar days of the receipt of the waiver application, the application shall be deemed approved and a certificate of appropriateness granted.

F. Standards

The applicant for an economic hardship waiver must prove with adequate and sufficient documentary and other evidence to the McAllen Historic Preservation Council that:

- 1. The applicant cannot make reasonable beneficial use of or, for income-producing properties, the property is not capable of yielding a reasonable return, regardless of whether that return represents the most profitable return possible;
- 2. Reasonable efforts to find a party interested in acquiring the property and preserving it have failed;
- 3. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would render it capable of yielding a reasonable return; and
- 4. The applicant consulted in good faith with the McAllen Historic Preservation Council, local preservation groups and interested parties in a diligent effort to seek an alternative that shall result in preservation of the property.

G. Subsequent Applications

Not applicable.

H. Appeals

- 1. An applicant dissatisfied with the decision of the McAllen Historic Preservation Council of an economic hardship waiver may appeal the decision to the City Commission, citing that the decision is unjust, in whole or in part, and specifying the grounds of injustice.
- 2. An appeal shall be presented to the City Commission within five business days after the final decision of the McAllen Historic Preservation Council.
- 3. City Commission shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in this Article.

I. Scope of Approval

No building permit or demolition permit shall be issued unless the council makes a finding that hardship exists and approves a waiver.

J. Recordation

The Historic Preservation Officer shall maintain a copy of any order of the McAllen Historic Preservation Council pursuant to this Section.

Section 6.4.7. Interpretation

A. Applicability

The Director has the authority to make written interpretations concerning the text of this UDC and the zoning map.

B. Initiation

A request for interpretation shall be submitted to the Director on a form established by the Director and made available to the public.

C. Completeness

See Section 6.1.6.B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director may, at their discretion, take any of the following actions:

1. Review and evaluate the request;
2. Consult with other staff as necessary;
3. Render an opinion; and
4. Provide the interpretation to the applicant in writing by regular mail.

F. Standards

The Director shall consider this UDC, the zoning map, the comprehensive plan, and any other relevant information.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15.

I. Scope of Approval

An interpretation does not authorize the development or use of property. After an interpretation is issued, the applicant or any other person may file an application to develop or use property pursuant to this UDC, and the decision-maker shall take the interpretation into consideration.

J. Recordation

The Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

Chapter 7. Nonconformities

Article 7.1. Generally

Section 7.1.1. Purpose

This Article governs uses, buildings, structures, lots, and other situations that came into existence legally prior to the effective date of this UDC or the effective date of future amendments to this UDC, but do not comply with or conform to one or more requirements of this UDC. All such situations are collectively referred to as “nonconformities”.

Section 7.1.2. General Policy

While existing legal nonconformities may continue, this Article is designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination to preserve the integrity of this UDC and the character of McAllen. Any existing legal nonconformity or site condition that becomes nonconforming because of any subsequent rezoning or amendment to this text of this UDC may be continued or maintained only pursuant to this Article. Also, this Article intends to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

Section 7.1.3. Applicability

- A. This Article applies to any nonconformity. A “nonconformity” means any of the following on the effective date:
 1. Nonconforming Use (Section 7.2.1);
 2. Nonconforming Structure (Section 7.2.2);
 3. Nonconforming Lot (Section 7.2.3);
 4. Nonconforming Sign (Section 7.2.4); or
 5. Nonconforming Site Plan Improvements (Section 7.2.5).
- B. For the purpose of this Article, the “effective date” means the effective date of this UDC or any amendment to this UDC that creates a nonconformity.

Section 7.1.4. Generally

- A. Continuation of Nonconformities

Except provided below, the lawful use of a building or structure existing at the time of the adoption of this UDC may continue, even if the existing use, building, or structure does not conform to the provisions of this UDC for the district where it is located.
- B. Removal of Building or Structure

If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this UDC in effect at that time.
- C. Replacing Damaged Buildings or Structures
 1. If a nonconforming building or structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the UDC.
 2. In the case of partial destruction of a nonconforming building or structure not exceeding seventy-five percent (75%) of its reasonable value, reconstruction shall be permitted by size and function, and cannot be expanded.

3. A nonconforming building or structure or group of nonconforming buildings or structures that is damaged by disaster such as fire, flood, explosion, earthquake, tornado, highspeed natural wind, war, or riot, may be reconstructed or replaced subject to this Article and erected as before if:
 - a. The application for a permit is submitted within one (1) year of the disaster;
 - b. The restored or reconstructed building or structure does not exceed the square footage of the area as it existed before the disaster; and
 - c. The building or structure meets the McAllen Building Code.

D. Applications

The City shall not process applications if there is a nonconformity, unless:

1. The application brings the property into conformity with this UDC; or
2. The application is otherwise permitted by this UDC.

Article 7.2. Nonconformity-Specific Regulations

Section 7.2.1. Nonconforming Uses

A. Applicability

This Section applies to any “nonconforming use,” defined as a use that lawfully occupies a building or land on the effective date and that:

1. Is no longer permitted in the applicable zoning district; or
2. Would require a conditional use permit in the applicable zoning district.

B. Generally

No existing building, structure, or premises devoted to a use not permitted by this UDC shall be enlarged or structurally altered unless required by law or court order, except as provided below.

C. Discontinuance of Use

A building, structure, lot, or parcel where a nonconforming use is discontinued for at least one year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.

D. Change in Nonconforming Uses

1. A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.
2. A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded.
3. A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.
4. A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.

E. Expansion or Enlargement of Nonconforming Uses

A nonconforming use may be extended only within the premises on which the nonconforming use was located on the effective date. “Premises” means the building where the use occurs and the accessory buildings, appurtenances, driveways, parking, and loading spaces.

Section 7.2.2. Nonconforming Structures

A. Applicability

This Section applies to any “nonconforming structure.” A “nonconforming structure” means a building or structure that:

1. Lawfully exists on the effective date of this UDC or any amendment to this UDC that would cause the building or structure not to comply with this UDC; and
2. Does not conform to all of the regulations of the zoning district in which it is located.

B. Continuance of Nonconforming Structures

Except as provided below, any nonconforming structure may be occupied and operated if maintained in a state of good repair.

C. Expansion

1. Unless specified otherwise in this UDC, a nonconforming structure on a lot may expand one time by as much as twenty-five percent (25%) of the building’s square footage if:
 - a. The expansion does not encroach into required setbacks;
 - b. Paved parking, sidewalks, and landscaping, as required by this UDC, are provided; and
 - c. The nonconforming building or structure is screened and buffered from adjacent uses and zones as determined by Article 4.6.
2. The expansion is only allowed pursuant to the Director’s authorization.
3. The expansion shall conform to all zoning district and development standards of this UDC and shall not create a new nonconformity.

Section 7.2.3. Nonconforming Lots

A. Applicability

This Section applies to any nonconforming lot. A “nonconforming lot” is a lot of record that, on the effective date of this UDC or any ordinance that establishes a minimum or maximum lot area, frontage, or lot width, is:

1. Not in compliance with the minimum or maximum lot area, frontage, or lot width;
2. Lawfully existing and of record; and
3. Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.

B. New Construction

In all districts, a nonconforming lot may be used as the building site for any use permitted in that district. No newly created or platted lot shall result in a nonconforming lot.

Section 7.2.4. Nonconforming Signs

A. Applicability

Permanent signs that were allowed before the effective date are allowed to remain and may be maintained and repaired as necessary. Signs that this UDC prohibits shall be modified to conform, replaced with a conforming sign, or removed according to the following:

1. If the lot on which the nonconforming sign is located requires any approval or permit that is subject to the site plan process;
2. If there is a change in business ownership, tenant, name, or type of business;
3. If any maintenance, repair, or alteration exceeds fifty percent (50%) of the current value of the sign as of the date of alteration or repair; or
4. If the use of the lot on which the sign is located has been discontinued for ninety (90) days or longer.

B. Exceptions**1. Nonconforming Subdivision Entry Signs**

A nonconforming subdivision entry sign that was first installed or erected before the effective date, may continue to be maintained in the current configuration unless the sign requires any maintenance, repair, or alteration that exceeds fifty percent (50%) of the current value of the sign as of the date of alteration or repair.

2. Signs with Nonconforming Electronic Message Centers

A sign with an electronic message center that does not conform with the area limitations or technological standards of this UDC that was first installed or erected before the effective date, may continue to be maintained, repaired, altered, or replaced so long as the modifications do not enlarge the area of the electronic message center or make it more nonconforming under the standards of this UDC.

C. Sign Removal

1. If a building, structure, or premises is vacant for a six-month period of time, the owner of the premises shall remove any sign messages located on the premises. Additionally, the facade of the building, structure, or premises shall be restored to its condition before the sign's installation.
2. If the owner has not removed an abandoned sign after six (6) months, the Director shall notify the property owner in writing that the sign must be removed within thirty (30) days.
3. The notice shall be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service.
4. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner.
5. If the owner does not remove the sign or appeal within thirty (30) days after the notice is mailed, the City may remove the sign and assess the cost of removal to the owner of the property on which the sign was placed.
6. The City Secretary shall mail a statement of the costs for the removal of an abandoned sign or signs to the last known address of the owner of record of the property.
7. The statement of costs shall be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service.
8. If the property is unoccupied and the owner is a nonresident, then the statement of costs may be served by certified mail, return receipt requested, to the last known address of the owner.
9. If the costs are not paid within sixty (60) days of the date the notice is mailed, the City may put a lien on the property.

Section 7.2.5. Nonconforming Site Plan Improvements**A. Applicability**

1. This Section applies to any nonconforming site plan improvements. "A "Nonconforming Site Improvement" is a situation that occurs when, on the effective date:
 - a. An existing site plan feature on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks, and landscaping) no longer conforms to the applicable regulations of this UDC; or
 - b. The lot does not include site plan improvement features required by this UDC for any existing use, building or structure on the lot.
2. This Section does not apply to one-time repairs and renovations of less than ten percent (10%) of the structural value of a structure or site improvements.

B. Generally

On lots with nonconforming site plan improvements, additions to, or exterior repairs or alterations of any building, structure or site improvement that increases the square footage by greater than two thousand (2,000) square feet or twenty-five percent (25%), whichever is greater, are not allowed, unless:

1. The nonconforming site plan improvements are brought into complete conformity with the regulations applicable to the use, building, structure, or zoning district; or
2. The activity is authorized by a site plan approved by the Planning and Zoning Commission.

C. Standards

When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site plan improvement, the Planning and Zoning Commission may approve a site plan allowing the addition, repairs, or renovation if:

1. The nonconforming site plan improvement(s) is the only nonconformity pertaining to the property;
2. Compliance with the site plan improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible;
3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety; and
4. If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site plan improvement.

Chapter 8. Enforcement

Article 8.1. General Enforcement Procedures

Section 8.1.1. Generally

- A. This Article establishes procedures the City uses to ensure compliance with the provisions of this UDC and obtain corrections for violations. It also institutes the remedies and penalties that apply to UDC violations.
- B. For any violation not encompassed by this Article, the Code Enforcement Department may issue a citation in Municipal Court stating the alleged violation, the date of the violation, and the section of the UDC violated. Each day during which any violation of this Article occurs or continues is a separate offense and upon conviction is punishable as provided in this UDC.

Section 8.1.2. Violations

Any of the following violates this UDC and are subject to the remedies and penalties provided for in this Article.

A. Buildings or Structures

To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this UDC or a condition of approval.

B. Use of Land

To use any land or premises in a manner inconsistent with the requirements of this UDC or a condition of approval.

C. Establish Use, Structure, or Sign Without Permit or Approval

To establish or place any use, structure, or sign upon land that is subject to this UDC without all of the approvals required by this UDC.

D. Development or Subdivision Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this UDC without all of the approvals required by this UDC.

E. Development, Subdivision, Use, or Sign Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.

F. Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval

To violate, by act or omission, any term, condition, or qualification placed by an approval authority upon any permit or other form of authorization.

G. Development, Subdivision, or Sign Inconsistent with this UDC

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this UDC.

H. Driveway Construction or Alteration without a Permit

To construct, reconstruct, relocate or in any way alter the design or operation of any driveway without first obtaining a building permit issued by the Building Official.

I. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than required by this UDC.

J. Increasing Intensity or Density of Use

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDC.

K. Removing or Defacing Required Notice

To remove, deface, obscure, or otherwise interfere with any notice required by this UDC.

L. Failure to Remove Signs

To fail to remove any sign installed, created, erected, or maintained in violation of this UDC or for which the sign permit expired.

M. Miscellaneous

Any other action, or failure to act, that does not comply with a requirement of this UDC or a lawful condition of approval.

Section 8.1.3. Responsible Persons

- A. Any person who violates this UDC is subject to the remedies and penalties expressed in this Article.
- B. If a person causing a violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the violation and the owner is ultimately responsible to ensure that the violations are corrected.

Section 8.1.4. Enforcement Responsibility

The Code Enforcement Department holds primary responsibility for enforcing all provisions of this UDC. Other officers of the City, designated by the City Manager, share responsibility for enforcing provisions of this UDC.

Section 8.1.5. Enforcement Procedures

A. Remedies and Enforcement Powers

The Code Enforcement Department has the following remedies and enforcement powers.

B. Generally

If Section 8.1.2 applies, the City may institute any appropriate action or proceedings:

1. To prevent any unlawful erection, maintenance, or use;
2. To restrain, correct, or abate the violation;
3. To prevent the occupancy of a building, structure, or land; or
4. To prevent any illegal act, conduct, business or use in or about the premises.

C. Withhold Permit

1. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of an UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
2. The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of an UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.
3. If a subdivision plat is approved, a certificate of occupancy shall not be issued until all improvements are accepted by the City in writing and the approved plat is recorded.

D. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.

E. Revoke Permits

Any development permit or other form of authorization required in this UDC may be revoked, including revocation of a certificate of occupancy.

F. Stop Work

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of UDC provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.

G. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this UDC or of a permit, certificate, or other form of authorization granted.

H. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

I. Civil Action

The City may enforce the provisions of this UDC through civil action as per state law.

J. Withhold Public Services

1. The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.
2. Unless a plan, plat or replat is approved in the manner and by the authorities provided for in this UDC, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled or distributed by the City for the use of the owners or purchasers of the plat or plan.

K. Other Remedies

The City may have other remedies provided by law for zoning, subdivision, sign, or related UDC provision violations.

L. Other Powers

In addition to the enforcement powers specified in this Article, the City may exercise any and all enforcement powers granted by law.

M. Continuation

Nothing in this UDC prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

Section 8.1.6. Cumulative Remedies

The remedies and enforcement powers established in this Article are cumulative and the City may exercise them in any order or combination at any time.

Article 8.2. Remedies and Penalties

Section 8.2.1. Generally

Any person or corporation who violates any of the UDC provisions or fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved, is guilty of a misdemeanor punishable under this section.

- A. The owner or owners or tenant of any building or premises or part, where anything in violation of this UDC exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any UDC violation are guilty of a separate offense punishable under this Division.
- B. A person who violates any provision of this Division by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.
- C. If the definition of an offense under this Division does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a \$500 maximum fine. Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a \$2,000 maximum fine.
- D. If the definition of an offense under this Division prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense is punishable by a \$2,000 maximum fine.

Article 8.3. Demolition by Neglect or Without a Certificate of Appropriateness

Section 8.3.1. Generally

No owner or person with an interest in real property designated as a landmark or heritage property or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the council, produce a detrimental effect upon the historic character of the district or property. Such property shall be subject to the withdrawal of its designation pursuant to Chapter 11, penalties and disqualification pursuant to [Sec. 98-72](#) and [Sec. 98-73](#) of the Code of Ordinances, and ineligibility for any tax relief granted under [Chapter 98 Division 3](#) of the Code of Ordinances.

Examples of such deterioration include:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration or crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- F. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

Section 8.3.2. Penalties and Remedies

- A. The McAllen Historic Preservation Council may revoke classification designators for failure by the property owner(s) within the historic district or of a designated landmark or heritage property to maintain the structure at the prescribed levels.
- B. Any person who violates, participates or acquiesces in the violation of any provision of this Division, fails to comply with any of the requirements this UDC, or erects or alters any historic resource in violation of any detailed statement or plan required to be submitted and approved by this UDC shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall, upon conviction, be punished as prescribed in this Article.

- C. A person found guilty of demolition of a designated property by neglect or without a required certificate of appropriateness shall be fined at least \$500.00 but not more than \$5,000.00 per violation.
- D. The City Attorney is authorized to file an appropriate action in a court of competent jurisdiction to enforce these provisions by cause in equity or by any other remedy available by law.

Chapter 9. Approval Authorities

Article 9.1. Quasi-Legislative Bodies and Personnel

Section 9.1.1. City Commission

The City Commission, also known as the Board of Commissioners, serves as a decision-making body responsible to the Mayor, City Manager, and the City's residents. The City Commission is established in [Article 3](#) of the City Charter and shall follow those regulations, as applicable.

Section 9.1.2. Planning and Zoning Commission

- A. Organization
 - 1. The City establishes a Planning and Zoning Commission consisting of seven (7) members appointed by the City Commission and Mayor for terms of two (2) years from among the qualified voters of the city.
 - 2. The Mayor and City Commission appoints one (1) member each. Members of the commission shall hold no other city office.
 - 3. The Planning and Zoning Commission makes recommendations to the City Manager and the City Commission on all matters affecting the physical development of the city, are consulted on the comprehensive plan and implementation, and may exercise all other responsibilities provided by law.
 - 4. Planning and Zoning Commission members are resident citizens and qualified voters of the city.
 - 5. A commissioner may be reappointed. However, no person shall serve as a Planning and Zoning commissioner for more than three two-year terms of office, or six (6) consecutive years. This provision does not preclude the reappointment of persons appointed to serve out an unexpired term.
 - 6. Commissioners appointed to replace resignations shall serve the unexpired term of the resigned commissioner.
 - 7. All Planning and Zoning Commission members shall remain in office until new appointments are made.
 - 8. Appointments to any vacancy in the Planning and Zoning Commission are made by the commissioner or the Mayor who made the previous appointment.
 - 9. The commissioner or the Mayor shall appoint and fill vacancies as soon as a replacement is found.
 - 10. The Planning and Zoning Commission elects a chair and vice-chair to serve a one (1) year term.
 - 11. Elections occur at the first regular Planning and Zoning meeting every January.
 - 12. Upon resignation of any officer, the Planning and Zoning Commission elects a replacement from the Planning and Zoning Commission to fill the unexpired term.
 - 13. A Planning and Zoning commissioner forfeits the office of Planning and Zoning commissioner if the commissioner:
 - a. Accepts any elected or paid city office;
 - b. No longer resides within the City's corporate limits;

- c. Fails to attend three (3) consecutive regular meetings without excuse from the commission;
- d. Is absent for more than fifty percent (50%) of regular meetings, with or without excuse, during a six-month period; or
- e. Willfully, intentionally and knowingly violates any standard of conduct adopted by the Planning and Zoning Commission.

B. Compensation

Planning and Zoning Commission members serve without pay but may be reimbursed for business expenses incurred in relation to commission business and approved by the Planning and Zoning Commission and approved by the Director.

C. Powers and Duties

The Planning and Zoning Commission has the following powers and responsibilities:

1. To send a recommendation to the City Commission to make and amend a comprehensive plan for the City's development. Before plan adoption, the Planning and Zoning Commission or City Commission shall hold at least one (1) public hearing after ten (10) day notice published in a daily newspaper of general circulation printed in the city. Plan adoption is by resolution.
2. To recommend to the City Commission alternative zoning plans for the city and approval or disapproval of proposed changes in the zoning plan.
3. To recommend certain special permits for specific land uses that may not be adequately regulated by zoning.
4. To exercise control over platting, replatting or subdividing land within the corporate limits of the City and within area of extraterritorial jurisdiction to effectively control all applications for platting, replatting or subdividing of land, with plats and maps required by law.
5. To act with and assist the City Commission in formulating and executing proper plans for municipal development.
6. To make recommendations to the City Commission concerning financial procurement and other aid from the state and federal governments when aid is necessary to the achievement of the City's planning and objectives.
7. Subject to City Commission approval, to make rules and regulations and adopts bylaws for its own government.

D. Meetings and Quorum

The Planning and Zoning Commission shall designate times and places for meetings. A majority of the Planning and Zoning Commission constitutes a quorum for business transactions. If a vacancy exists, that vacancy does not count towards determining a quorum.

Section 9.1.3. Zoning Board of Adjustment

A. Organization

1. A Zoning Board of Adjustment is established by the provisions of Texas Local Government Code § 211.008.
2. The Zoning Board of Adjustment consists of five regular members and four alternates whose method of appointment, terms, qualifications, attendance requirements, and governance shall conform to the applicable provisions of [Chapter 2 Article III Division 1](#) of the Code of Ordinances.

3. The alternate members shall serve in the absence of one or more regular members so that all cases to be heard by the Zoning Board of Adjustment shall be heard by a minimum of four members.
4. Vacancies shall be filled for the unexpired term of any member by appointment by the City Commission, whether by new appointment or elevation of an alternate to regular member followed by appointment of a new alternate.
5. A quorum shall consist of four members of the Zoning Board of Adjustment.

B. Procedures and Appeals

Procedures before the Zoning Board of Adjustment to and from such board shall be governed by the provisions of Texas Local Government Code §§ 211.008—211.011.

C. Powers and Duties

The Zoning Board of Adjustment has the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this UDC.
2. To hear and decide special exceptions and variances as provided in Article 6.4.

Section 9.1.4. McAllen Historic Preservation Council

A. Purpose

The McAllen Historic Preservation Council intends to:

1. Protect and enhance the landmarks and districts which represent distinctive elements of McAllen’s historic, architectural, and cultural heritage;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance McAllen’s attractiveness to visitors and the support and stimulus to the economy thereby provided;
4. Insure the harmonious, orderly, and efficient growth and development of McAllen;
5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such historic buildings and structures within the City’s corporate limits; and
6. Encourage stabilization, restoration, and improvements of such buildings.

B. Organization

1. The McAllen Historic Preservation Council is established and consists of seven (7) members appointed by the City Commission each having a known and demonstrated interest, competence or knowledge in historic preservation within the City of McAllen.
2. The McAllen Historic Preservation Council shall include at a minimum one member each that qualifies as:
 - a. Architect licensed to practice in Texas;
 - b. Historian;
 - c. Licensed real estate broker or appraiser;
 - d. Building contractor; or
 - e. Owner of historic or landmark property.

3. Whenever a vacancy shall arise whereby there is a loss of representation in the McAllen Historic Preservation Council of at least one of the qualified members, a new member shall be appointed to restore that representation.
4. A quorum shall consist of four (4) members.
5. Members shall serve for a term of two years in staggered terms according to [Chapter 2 Article III Division 1](#) of the Code of Ordinances.
6. The chair and vice-chair of the McAllen Historic Preservation Council shall be elected by and from members of the board.
7. The chair and vice-chair of the McAllen Historic Preservation Council shall be elected annually as provided in [Sec. 2-79](#) of the Code of Ordinances.

C. Powers and Duties

The McAllen Historic Preservation Council shall have the following powers and it shall be its duty to:

1. Prepare rules and procedures as necessary to carry out the business of the McAllen Historic Preservation Council.
2. Recommend criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which may be adopted by the City Commission.
3. Conducts surveys, and maintains an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the City.
4. Create committees from among its members and delegate to those committees responsibilities to carry out the purposes of this UDC.
5. Maintain written minutes which record all actions taken by the Historic Preservation Council and reasons for taking such actions.
6. Recommend to the City Commission that the City publicly recognize the owners of landmark or heritage properties or of properties within historic districts by means of certificates, proclamations, plaques or markers.
7. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
8. Make recommendations to the City Commission concerning the utilization of federal, state, local or private funds and/or tax incentives to promote the preservation or rehabilitation of landmark and heritage properties and historic districts within the City.
9. Act upon applications for certificates of appropriateness that are required under this article or that are voluntarily applied for by property owners.
10. Prepare specific design guidelines for the review of landmark and heritage properties and historic districts.
11. Recommend the acquisition of landmark and heritage properties by the City where their preservation is essential to the purpose of this UDC and where private preservation is not feasible.

D. Meetings

1. The McAllen Historic Preservation Council shall meet once a month if necessary at a regularly scheduled time.
2. Special meetings may be called upon request of the chair or vice-chair, or upon written request of four members, or upon notice from the Building Official or the Historic Preservation Officer that a matter requires the consideration of the McAllen Historic Preservation Council.

3. All meetings shall have advance notice posted in accordance with Texas Open Meetings Act, Texas Government Code Ch. 551, as the same may be amended.

Article 9.2. Administrative Bodies and Personnel

Section 9.2.1. Planning Department

The Planning Department serves as an administrative and staff decision-making body responsible to the Mayor, City Manager, City Commission, Planning and Zoning Commission, and Zoning Board of Adjustment. The Planning Department and the Director have authority for processing proposals to change the text and map of this UDC and for processing plans, applications, special permits, and certificates.

Section 9.2.2. Director

A. Appointment

The Director shall be appointed by the City Manager as prescribed in [Article IV. Division 2](#) of the Code of Ordinances.

B. Powers and Duties

The Director has the following duties and responsibilities:

1. To advise the City Manager on any matter affecting the physical development of the City.
2. To formulate and recommend to the City Manager a comprehensive plan and modifications.
3. To review and make recommendations regarding proposed City Commission action implementing the comprehensive plan.
4. To participate in capital improvement program preparations and revisions.
5. To advise the Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.
6. To keep the official zoning map current and the copies, by entering any changes that the City Commission may order by amendments to the UDC and Map.
7. To provide any other action authorized by this UDC to ensure compliance with or to prevent violation(s).

Section 9.2.3. City Engineer

A. Appointment

See [Article IV. Division 4](#) of the Code of Ordinances.

B. Powers and Duties

In addition to the duties and responsibilities established in [Article IV. Division 4](#) of the Code of Ordinances, the City Engineer has the following duties and responsibilities:

1. To advise the City Manager on any matter affecting the physical development and all engineering matters of the City.
2. To review and make recommendations regarding proposed City Commission action implementing the comprehensive plan.
3. To make reports, preparations, and revisions regarding public improvements, repairs of streets, bridges, and sidewalks.

4. To advise the Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.

Section 9.2.4. Historic Preservation Officer

- A. The Historic Preservation Officer is a City staff person who demonstrates an interest, competence, or knowledge in historic preservation.
- B. The Director appoints the Historic Preservation Officer.
- C. The Historic Preservation Officer administers Chapter 11, performs the duties and responsibilities as prescribed under this UDC, and advises the Historic Preservation Council on matters submitted to it.
- D. The Historic Preservation Officer is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

Section 9.2.5. Building Official

The Building Official is established in [Sec. 22-3](#) of the Code of Ordinances, and shall have the following powers and duties pursuant to [Sec. 22-4](#) of the Code of Ordinances.

Chapter 10. Definitions

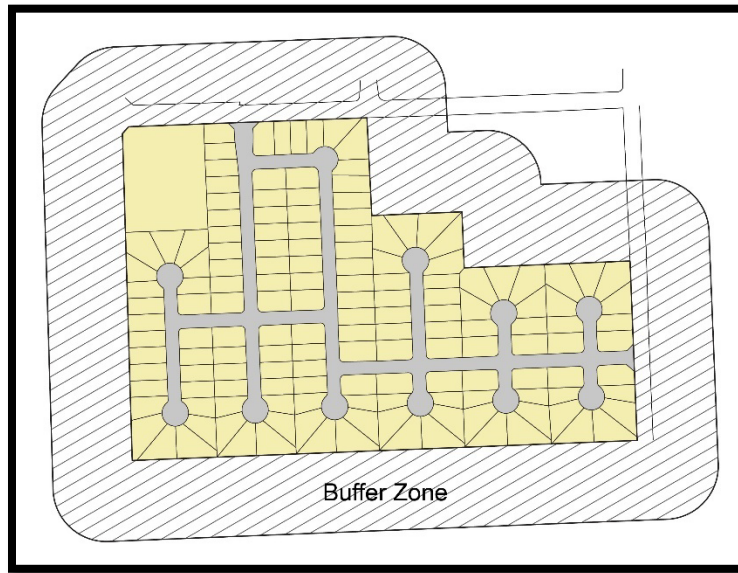
Article 10.1. Generally

Section 10.1.1. Usage and Interpretation Rules

For the purpose of this UDC, certain terms or words are interpreted or defined as follows:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes a corporation, trust, individual, and/or group of individuals.
- D. The term "shall" is always mandatory.
- E. The term "may" is discretionary.
- F. A reference to an official includes a designee of that official.
- G. When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the next whole number.
- H. When this UDC requires a distance or spacing buffer from a property, lot, use, or other specified item (i.e., a use separation, sign spacing, etc.), the distance shall be measured extending from the subject property lot lines as indicated in Figure 10.1.1-1: Buffer Measurements.

Figure 10.1.1-1: Buffer Measurements



Section 10.1.2. Words and Terms Not Expressly Defined

Words and terms not expressly defined in this Article are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the Director.

Article 10.2. Defined Terms

Section 10.2.1. General Terms

A. A Terms

1. Accessory Use

A building or use that:

- a. Is subordinate to and serves a principal building or principal use; and
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served; and
- c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and
- d. Is located on the same building lot as the principal use served. If connected to the principal building, an open-air structure with three or less walls is not considered a building addition of the main building.

2. Adequate Public Facilities

Facilities capable of supporting and servicing the physical area and designated intensity of a proposed subdivision or development based upon specific levels of service identified in the UDC or as adopted by the City.

3. Alley

- A public right-of-way or private easement used for utility installation and/or secondary access to individual properties which have their primary access from an adjacent public or private street.
4. Amending Plat

A minor revision or modification of a recorded Plat that does not change or create new lot boundaries.
 5. Applicant

Anyone authorized to submit an application for development, including, but not limited to, a property owner or the owner's designee or a subdivider or developer or their agent, attorney, architect, engineer, surveyor, or contractor. The applicant may be referred to as "subdivider" or "developer" in this UDC.
 6. Application

Notice to the City provided on an acceptable form from the City that begins the development or subdivision process.
 7. Architectural Planters

A container, typically affixed to the ground or a structure in which plantings may be placed within.
 8. Attached Awning/Canopy Sign

A permanent sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning or attached structural canopy.
 9. Attached Banner

A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.
- B. B Terms
1. Base Flood

A flood having a one percent chance of being equaled or exceeded in any given year based on a fully developed watershed. Also known as the 100-year flood.
 2. Bicycle Locker

A locker or box in which multiple bicycles can be placed, stored, and locked.
 3. Bicycle Parking Facility

Those facilities such as bicycle racks, bicycle lockers, and other features required to park or store bicycles on a site.
 4. Block

An identified tract or parcel of land surrounded by a street or streets, and other physical features which may be further subdivided into individual lots or reserves.
 5. Block Length

That dimension between two intersecting streets.
 6. Bollard

A vertical device that provides a physical barrier between different uses or site features to divert traffic from a roadway or specific area.
 7. Bollard Rack

A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.

8. Building

Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

9. Building Code

The City’s most recently adopted Building Code.

10. Building Height

See Section 4.2.4.

11. Building Line

See “Setback”.

12. Building Materials, Class 1

The following exterior construction materials: fired brick, veneer brick, natural and manufactured stone, granite, marble, Architectural Concrete Block (earth-tone coloring integrated into the masonry material), or tilt-wall replicating any of the aforementioned materials.

13. Building Materials, Class 2

The following exterior construction materials: all Building Materials Class 1, cement fiber board, and 3-step stucco process.

14. Building Official

The individual holding the office of Building Official of the City of McAllen, who shall actively oversee the construction of development. This term includes their designee.

15. Building Permit

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the UDC.

16. Building Square Footage

The area or floor space within a building or structure.

C. C Terms

1. CCN

A Certificate of Convenience and Necessity (CCN) grants a CCN holder the exclusive right to provide retail water and/or sewer utility service to an identified geographic area. Chapter 13 of the Texas Water Code requires a CCN holder to provide continuous and adequate service to the area within its CCN boundary. Municipalities and districts normally are not required to have a CCN; however some municipalities and districts do have a CCN. A district or municipality may not provide services within an area for which another utility holds a CCN unless the district or municipality has a CCN itself for that area.

2. Certificate of Appropriateness

A certificate issued by the Historic Preservation Officer or McAllen Historic Preservation Council its approval of plans for alteration, construction, removal, or demolition of a landmark, property, or structure within a historic district.

3. Channel Letter

- A fabricated or formed three-dimensional letter, number, logo or symbol affixed directly onto a surface.
4. City
The City of McAllen, Texas and it's departments, agencies, personnel, and staff unless otherwise expressly stated.
 5. City Attorney
The City of McAllen's agreed upon legal counsel overseeing the daily legal activities of the City.
 6. City Commission
The duly elected governing body of the City of McAllen, Texas.
 7. City Engineer
The individual holding the office of City Engineer of the McAllen, who shall actively maintain licensure in good standing as a professional engineer under the laws of the State of Texas. Those duties assigned by this UDC to the City Engineer which relate to the development review process may be reassigned by the City Manager, in whole or in part, to one or more licensed professional engineers, as needed to adjust workflow or to provide specific expertise. This term includes the City Engineer's designee.
 8. City Limits
The boundary of the incorporated limits of the City of McAllen.
 9. Code of Ordinances
The City of McAllen's adopted codes not housed within the UDC.
 10. Common Access Easement
An easement shown on a Plat or other recorded instrument that assigns benefit and right of entry to the public at large or to an abutting property owner and allows passage to the beneficiary over and across the property on which the easement is located.
 11. Comprehensive Plan
The long-range planning and development policy of the City and adjoining areas as adopted by the City Commission, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements. The Comprehensive Plan is titled the Envision McAllen 2040 Comprehensive Plan.
 12. Conditional Use Permit
A permit granted on a discretionary and conditional basis by the City Commission, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Conditional Use Permit are in addition to and supplement UDC requirements.
 13. Corner Lot
A lot abutting the intersection of two or more streets other than an alley.
 14. Corner Side Yard
The yard abutting a street on a corner lot.
 15. Corner Side Yard Setback

The line, generally parallel with and measured from the corner side property line, defining the limits of a yard in which no building may be located above ground, except as may be provided in this UDC.

16. County Clerk

The person holding the office of County Clerk where they are responsible for local elections and maintaining public records. This term shall also include any designee of the County Clerk.

17. Covenant

Contractual promises relating to how a particular piece of property can be used or developed. The restrictive covenant shall specify constraints on specific uses of the property.

18. Cul-de-sac

A street having only one outlet to another street, and that terminates on the opposite end by a vehicular turnaround or "bulb." The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.

D. D Terms

1. Deed Restriction

A document used to place limitations or conditions on a particular property.

2. Demolition

Any act or process that destroys in part or in whole a landmark or structure within a historic district.

3. Detached Banner

A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

4. Development Agreement

An agreement authorized under TLGC Section 212.172, Subchapter G between the City and a subdivider of property that outlines certain development and design standards, responsibilities, and procedures relating to the development of a property and may contain a timeline for annexation of the property and assumption of certain responsibilities for the provision or maintenance of public facilities.

5. Director

A person hired or designated by the City Manager to supervise or oversee the City's Planning Department, and to exercise the authority of the Director, including the Director's designee.

6. District

See "Zoning District".

7. Double Frontage Lot

A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

E. E Terms

1. Easement

Any area within, on, over, and/or under real property in which the City (and/or another entity, such as a franchised utility) has an interest involving a right of use of the property and/or right to exclude uses of the property—such as requiring removal of all or any part of any buildings, fences, trees, shrubs, or other improvements or uses that interfere with the lawful purpose of the holder of the easement—including but

- not limited to those required for provision of sidewalks, utility services, or access to property or equipment owned and/or maintained by the City.
2. Electronic Message Center (EMC)

A sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).
 3. Encroachment

The overlapping of a boundary or setback by a physical item such as an awning, canopy, porch, etc.
 4. Erect

To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes outdoor signs and signs located interior to a building but readily visible from the exterior.
 5. Escape Lane

An area measuring a minimum of eleven (11) feet wide that provides access around a drive thru facility.
 6. External Illumination

Illumination provided by an external light source such as a lamp, bulb, or the like.
 7. Extraterritorial Jurisdiction (ETJ)

The area of land lying outside and adjacent to the corporate limits of the City over which the City has legal control as set forth in chapter 42 of the Texas Local Government Code.
- F. F Terms
1. Family

One or more persons, related by blood, marriage, adoption, or contract, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.
 2. Fence

A permanent barrier that is not a screening device, but offers privacy between uses. Fences are typically located on residential lots and are wood constructed. Fences are not screening devices.
 3. Fenestration

The design, proportioning, and disposition of windows and other exterior openings of a building.
 4. Final Plat

The legal record of land, including a subdivision, prepared from actual field measurements and staking of identifiable points by a licensed surveyor to a location referenced to a survey corner. The final plat describes all boundaries, corners, and curves with enough detail that a licensed surveyor or engineer can reproduce them without additional references. The final plat also establishes and records lots, right-of-way, and easements.
 5. Fire Code

The most recently adopted International Fire Code as published by the International Code Council.

6. Fire Marshal

The official responsible for enforcing the fire regulations of the City of McAllen, Texas.

7. Flag Lot

A lot that abuts a street by means of a strip of land that does not comply with minimum lot width. Flag lots are often used to achieve access/frontage.

8. Floodplain

An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (100-year floodplain).

9. Floodway

Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway shall include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre-floodway condition, including those designated on the flood insurance rate map.

10. Footcandle

One lumen per square foot, unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

11. Frontage

All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Where a lot abuts more than one street, the Planning and Zoning Commission shall determine the frontage for purposes of this UDC.

12. Frontage Buildout

The required location where a building, or portion of a building must front.

13. Front Yard

A yard across the full width of the lot extending from the front line of the primary building to the front property line.

14. Front Yard Setback

The line, generally parallel with and measured from the front property line, defining the limits of a yard in which no building may be located above ground, except as may be provided in this UDC.

15. Full Cutoff

A luminaire with light distribution such that no light is emitted above the horizontal.

16. Future Thoroughfare Map

The thoroughfare component of the Comprehensive Plan, the official map depicting the City's existing and future street system and roadway network, together with explanatory text.

G. G Terms

1. Gable Roof

A roof with two slopes – front and rear – joining at a single ridge line parallel to the entrance façade.

2. Gambrel Roof

A ridged roof with two slopes at each side, the lower slopes being steeper than the upper slopes.

3. General Incidental Sign

A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as detached signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property. Examples of typical General Incidental Signs include house numbers, occupant directories, property or tenant identification names or numbers, wayfinding signs, and directional signs, and signs warning the public against trespassing or danger from animals.

4. General Temporary Sign

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Examples of typical General Temporary Signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, garage sale signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of General Temporary Signs.

5. Glare

The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

6. Grid Rack

A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

7. Grounded Canopy

A permanent structure that is structurally independent of a building affixed to the ground, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

8. Grounded Canopy Sign

A permanent attached sign that is affixed to a grounded canopy.

H. H Terms

1. Halo Illumination

Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as “reverse channel” or “reverse lit” illumination. A halo-lit sign is not considered an internally illuminated sign.

2. Hanging Sign

A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.

3. Hip Roof

A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its end point.

4. Historic District

A geographically and locally defined area approved by the City Commission that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the McAllen. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.

5. Historic Landmark

A building, structure, object, or site that has been designated by the City Commission as an historic resource or by the State of Texas or by the National Registry of Historic Places.

6. Historic Preservation Officer

The appointed official serving as the historic preservation officer for the City of McAllen.

7. Homeowners' Association

A non-profit association whose dues are paid by property owners within a defined subdivision who have voluntarily subjected themselves to the regulations and covenants of the association, and who also jointly own, manage, or oversee the management of common property and, through an elected or appointed board, manage and enforce the restrictive covenants applicable to the subdivision. Also known as an HOA or Property Owners' Association.

I. I Terms

1. Infill Development

The redevelopment of an existing built-out site or property.

2. Internal Illumination

Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting located on the same plane as the sign face.

J. J Terms

1. Junk

Those materials and products of older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or associated parts; iron; steel; or other old or scrap materials.

K. K Terms

1. Key Lot

An interior lot, one side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

L. L Terms

1. Landscape Plan

An independent plan that is a part of the site plan process that shows a site's required landscaping.

2. LED
The acronym for light emitting diode.
3. Letter of Final Acceptance
A letter or documentation verifying the subdivider or owner has accepted and constructed the required infrastructure facilities and utilities as required and approved by the City.
4. Loading Space
An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
5. Lot
An undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. This term may also be referred to as a plot.
6. Lot Area
The total space required for a lot by multiplying the lot's depth by it's width.
7. Lot Coverage
The portion of a lot occupied by the base (first story or floor) of all buildings located on the lot.
8. Lot Width
The distance parallel to the front property line, measured at the front setback line. Lot width on a curving front property line means the distance parallel to the tangent of the front property line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
9. Low Impact Development (LID)
The City has adopted by reference the "*Guidance for Sustainable Stormwater Drainage on the Texas Coast for Nonpoint Source Pollution & Flood Management*," 2nd Edition to incorporate low impact development best management practices for reducing runoff and mimicking a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source. Low impact development practices include measures such as preserving undeveloped open space, biofiltration, reducing impervious cover and using porous pavement.
10. Low Profile Rack
A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.
11. Lumen
The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).
12. Luminaire

The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

M. M Terms

1. Major Revisions

Any revision(s) that the Director determines is not a minor revision. A major revision requires a new application submittal.

2. Mansard Roof

A roof with two slopes on each side, with the lower slope being nearly vertical and the upper slope nearly horizontal.

3. Marquee Sign

A permanent attached sign affixed to a marquee.

4. McAllen Historic Preservation Council

The City of McAllen’s appointed Historic Preservation Council responsible for overseeing development related to historic properties.

5. Minor Modification

Adjustments to the specific standards of this UDC granted during the review and approval process for a development, including improvements to existing structures or site features. These modifications ensure compliance with the UDC’s purpose and intent, accommodate site-specific development challenges, and allow for flexibility in applying standards in a manner consistent with the City’s Comprehensive Plan, while achieving substantially equivalent outcomes to the original requirements.

6. Minor Plat

A plat that creates four (4) or fewer lots which do not need the extension of public improvements.

7. Minor Revisions

Those revisions that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.

8. Model Subdivision Regulations (MSR)

The Model Subdivision Rules (MSRs) were developed by the Texas Water Development Board to safeguard residents by ensuring safe, sanitary water and sewer. The Model Subdivision Rules and regulations are adopted by the Texas Commission on Environmental Quality in the Texas Administrative Code (TAC), Title 30, Part 10, Chapter 364.

9. Monument Sign

A permanent detached or freestanding sign with a low profile, a base, and a support structure with a solid appearance that is at least 50% of the width of the widest part of the sign’s face.

10. Mural

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include:

- a. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;

- b. Works containing electrical or mechanical components; or
- c. Works that involve changing or moving images or components.

N. N Terms

1. Nonconforming Lot

A lot that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the lot was established and has been in regular use since that time.

2. Nonconforming Sign

A sign that was lawfully in existence and was properly permitted by the City, to the extent such permitting was required as of the effective date of this UDC.

3. Nonconforming Site Plan Improvement

A site plan feature, such as landscaping, parking, setbacks, etc., that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the site plan was approved and has been in regular use since that time.

4. Nonconforming Structure

A building or structure, or portion thereof, that does not conform to the regulations of this UDC, but that was lawfully constructed under the regulations in force at the time of construction.

5. Nonconforming Use

A use that does not conform to the use regulations of this UDC, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

6. Nonconformity

The collective term for all nonconforming situations.

7. Nonresidential Development

Any development intended to provide primarily commercial, industrial, automotive, retail, agricultural, or civic uses and structures.

8. Nonresidential Subdivision

Any subdivision of land intended for nonresidential development. An example of a nonresidential subdivision is a unified office park development.

O. O Terms

1. Offset

A specified projection or recession that runs vertically along the entirety of a building wall.

P. P Terms

1. Parking Space

A permanently surfaced area either within a structure or in the open, not on public right-of-way (unless otherwise specified), exclusive of driveways or access drives, for the parking of one vehicle.

2. Person

An individual, company, joint stock company, firm, proprietorship, business, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, co-partnership, association, and any other legal entity or their legal representatives, agents or assigns.

Notwithstanding any other provision of the code, each and every code provision—including but not limited to every prohibition, requirement, and penalty—applies to both natural persons and corporations, partnerships, and all other legal entities or organizations.

3. Phased Development

See Section 5.2.2.F.

4. Phasing Plan

See Section 5.2.2.F.

5. Pitched Roof

A roof that has a slope.

6. Planned Unit Development

A zoning district designed for the unified and coordinated development that utilizes unique development standards including to but not limited to enhanced landscaping standards, creative site or architectural design that cannot be accomplished or developed through the City’s standard development regulations and its unique qualities ensure a level of exceptional quality or innovation that warrant the use of a planned development district. A planned development district requires the approval of the City Commission.

7. Planning and Zoning Commission

The City of McAllen’s appointed Planning and Zoning Commission.

8. Plat

An instrument upon which is depicted a map, drawing, or plan of a certain tract of land, drawn to scale, which is designed to facilitate the location of, reference to, and legal description of such tract, or lots contained therein, or both, by indication in the map, drawing or plan of certain points of reference which are known to or which are described to coincide with established survey monuments.

9. Pole Sign

A permanent detached or freestanding sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than 12 inches above the ground.

10. Pre-Application Meeting

Abbreviated as PAM, this term means a meeting with the Staff Review Committee before a formal submittal of a development application.

11. Pre-Construction Meeting

A meeting with the City staff before commencing construction on land approved for development.

12. Preliminary Plat

A scaled planning document that lays out the boundary, streets, lots, topography, and public facilities or improvements in a proposed subdivision and that provides the City with a basis for reviewing subdivision-related plans and the final plat.

13. Principal Use

The main use of land or building as distinguished from the subordinate or accessory use.

14. Private Street

A classification of streets that are owned and maintained by a homeowners’ association or property owner’s association, and which are not dedicated to the public.

15. Professional Engineer

An individual with a post-secondary degree in engineering and is a certified professional engineer by the Texas Board of Professional Engineers and Land Surveyors.

16. Projecting Sign

A permanent attached sign type that is affixed to and projects 18 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy/awning, marquee, or roof.

17. Property Owners' Association

See "Homeowners' Association".

18. PROWAG

The acronym for Public Rights-of-Way Accessibility Guidelines.

19. Public Facilities

See Public Improvements or Public Utilities definitions.

20. Public Hearing

A meeting held by the Planning and Zoning Commission, Zoning Board of Adjustment, Historic Preservation Council, or City Commission where action is conducted on an application after public commentary is heard.

21. Public Improvements

An improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a letter of final acceptance being issued, for maintenance, operation, or ownership.

22. Public Utilities

The term means:

- a. Entities franchised by the City to use public rights-of-way for the conduct of their business;
- b. Entities that are "public utilities" under pertinent provisions of the Texas Utilities Code or Texas Water Code but are specifically exempted by state law from the requirement that they receive a franchise from the City for the use of public rights-of-way;
- c. Public sanitary sewers;
- d. Public water mains;
- e. Public streets;
- f. Public storm sewers;
- g. Public detention ponds;
- h. Municipally owned electric utilities; and
- i. Any contractor hired by these entities.

23. Public Utility Agency

An established agency responsible for providing and overseeing public utilities.

Q. Q Terms

1. Quality Tree

A tree that qualifies for tree preservation.

R. R Terms

1. Rear Yard

A yard between the rear property line and the rear line of the primary building and the side property lines.

2. Rear Yard Setback

The line, generally parallel with and measured from the rear property line, defining the limits of a yard in which no building may be located above ground, except as may be provided in this UDC.

3. Refuse Container

A container used for, but not limited to, receiving garbage designed and intended to be lifted by forks or other device mounted on a vehicle and the contents emptied into that part of the vehicle designed to receive the same. An enclosure may be associated with the refuse container. An enclosure is an outdoor structure that encloses a dumpster or trash receptacle.

4. Replat

A revision to a recorded subdivision that revises or creates new lots, dedicates right-of-way or easements or reflects abandonment of the same.

5. Residential Development

Any development intended to provide primarily residential uses and structures.

6. Residential Subdivision

Any subdivision of land intended for residential development.

7. Retail Public Utility

Any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation.

8. Reverse Corner Lot

A type of corner lot, where the street side property line of which is substantially a continuation of the front property line of a lot located immediately adjacent to its rear on which a primary structure has been or proposed to be constructed. The front yard of a reverse corner lot is defined by the street frontage to which the front door faces.

9. Rezoning

An amendment to the Official Zoning Map to effect a change in the nature, density, or intensity of uses and development characteristics allowed on a property.

10. Right-of-Way

A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the

lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

11. Roof

The external upper covering of a building, including the frame for supporting the roofing.

S. S Terms

1. Screening Device

A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the property line when viewed from the ground level.

2. SDG

The acronym for the City of McAllen's adopted Standard Design Guide for Public Infrastructure Improvements, as amended.

3. Secretary of the Interior Standards for Rehabilitation

Guidelines published by the U.S. Department of the National Park Service for rehabilitating historic structures. These standards, revised in 1990, are used by the NPS and the SHPO to determine if a rehabilitation qualifies as a Certified Rehabilitation for Federal tax purposes.

4. Secure Bicycle Parking Area

A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control.

5. Setback

A line, generally parallel with and measured from the property line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this UDC. See "Yard" for additional clarity.

6. Shielding

When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

7. Sidewalk

A paved, surfaced or leveled area between the curb line, or the lateral lines of a roadway and the adjacent property lines designed for or ordinarily used for pedestrian travel.

8. Sidewalk Sign

A temporary and portable sign that is ordinarily in the shape of an "A" or inverted "T" with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway.

9. Side Yard

A yard between the primary building and the adjacent side property line, and extending entirely from a front yard to the rear yard.

10. Side Yard Setback

The line, generally parallel with and measured from the side property line, defining the limits of a yard in which no building may be located above ground, except as may be provided in this UDC.

11. Sight Visibility Triangle

The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

12. Sign

A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term “sign” includes a structure used to support or display a sign.

13. Sign Height

The vertical distance measured from the highest point of a sign to the ground or lowest grade beneath the sign.

14. Sign Permit

A permit authorizing the erection or maintenance of a sign pursuant to this UDC.

15. Sign Structure

Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the lot, a building, or any other solid surface.

16. Site Plan

A detailed, scaled drawing of all surface improvements, structures, uses, and utilities proposed for development associated with this UDC.

17. Skyline Sign

A sign that is placed above the windows of the highest floor of a building that is at least multiple stories and taller than 35 feet in height.

18. Speaker Board

A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

19. Special Exception

An adjustment in application of the specific regulations of the UDC to a particular applicant of the property that has been pre-defined by this UDC and does not require a hardship.

20. Stacking Lane

A 9-foot wide lane containing multiple stacking spaces.

21. Stacking Space

An area on a site measuring nine (9) feet by twenty (20) feet with direct forward access to a service window or station of a drive thru facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

22. Staff Review Committee

The committee responsible for providing commentary and insight at pre-application meetings. This committee typically reviews formal submittals of new development applications.

23. Story

That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

24. Streetscape

The area within street right-of-way that contains sidewalks and pedestrian facilities, street furniture, landscaping, or trees.

25. Subdivide

The act of land being split into separate parcels or lots for recordation.

26. Subdivision

The division or redivision of any tract of land situated within the city's city limits or its ETJ into two or more parts, lots, units, or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. The term includes resubdivisions of land, lots, or units which are part of a previously recorded subdivision. A condominium development can be a subdivision. In other jurisdictions, the term may be referred to as an "addition."

27. Subdivision Entry Sign

A specific monument sign located at the entry of a platted subdivision from a local, collector, or arterial street.

T. T Terms

1. TAC

The acronym for Texas Administrative Code, as compiled by the Texas Secretary of State.

2. TCEQ

The acronym for Texas Commission on Environmental Quality.

3. Temporary Use

A use granted on a discretionary, conditional, and temporary basis which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Temporary Use are in addition to and supplement UDC requirements.

4. Tenant

A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

5. Throat Length

The length of the driveway up to the first conflict point.

6. Through Lot

A lot other than a corner lot with frontage on more than one parallel street other than an alley.

U. U Terms

1. UDC

The Unified Development Code of the City of McAllen, Texas.

2. U-Rack

A “U-shaped” bicycle facility affixed to pavement that’s stores up to two bicycles which are locked from the outside.

V. V Terms

1. Vacation

The process and instrument that returns a subdivision or dedicated lands to an unplatted state.

2. Variance

A deviation from the specific terms of this UDC that shall not be contrary to public interest and is justified because, owing to special conditions, a literal enforcement of this UDC’s provisions shall result in practical difficulties and/or hardship.

3. Violation

The failure of a structure or other development to be fully compliant with the UDC, the City’s Code of Ordinances, state laws, and federal laws.

W. W Terms

1. Waiver

The relinquishment from requirements for specific land disturbing activities on a case-by-case basis as provided in Chapter 5 and Chapter 6.

2. Walk-Up Board

A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

3. Walkway

An area reserved for pedestrian traffic within a development. A walkway differs from a sidewalk in that a walkway is not within the right-of-way or publicly dedicated.

4. Wall Sign

An attached sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface.

5. Window Sign

A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

X. X Terms

1. Xeriscape

Landscaping systems designed to conserve water through use of drought resistant and heat tolerant native or naturalized plants which utilize only irrigation meet plant needs.

Y. Y Terms

1. Yard

The area between the property line and the building setback line in which no structure may be located.

Z. Z Terms

1. Zoning Board of Adjustment

The City of McAllen's appointed Zoning Board of Adjustment.

2. Zoning District

A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the City's UDC, as amended.

3. Zoning Map

The official map of McAllen, Texas upon which the boundaries of the various zoning districts are drawn and which is an integral part of the UDC, which may also be cited as the Official Zoning Map.

Section 10.2.2. Land Use Terms

The following terms are the land use types that correspond to Section 3.1.3 in Chapter 3.

A. Residential Uses

1. Bungalow Court

A group of small, detached structures arranged around a shared court visible from the street. Dwelling unit entrances are from the shared court.

2. Courtyard Apartment

A medium-to-large sized detached residential structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Each unit is accessed from the courtyard and shared stairs each provide access up to 3 units.

3. Detached Single-Family Dwelling

A single-family dwelling (a building designed exclusively for occupancy by one (1) family) which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

4. Duplex

A building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

5. Fourplex

A detached residential structure containing four dwelling units, designed for occupancy by not more than four families living independently of each other.

6. Industrialized Home (Modular Home)

Per the Texas Occupations Code Chapter 1202.002:

a. Industrialized housing is a residential structure that is:

(i) Designed for the occupancy of one or more families;

(ii) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

(iii) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

- b. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
 - c. Industrialized housing does not include:
 - (i) A residential structure that exceeds four stories or 60 feet in height;
 - (ii) Housing constructed of a sectional or panelized system that does not use a modular component; or
 - (iii) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.
7. Live-Work
- A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. The residential unit is occupied by the business owner or manager.
8. Manufactured Home
- A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use does not include mobile homes.
9. Mobile Home
- A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the city.
10. Multi-Family Dwelling (Apartment)
- A residential structure arranged, intended, and designed to be occupied by thirteen or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.
11. Multiplex
- A detached residential structure that consists of 5 to 12 dwelling units arranged in side-by-side and/or stacked design.
12. Townhouse
- A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another, in which each dwelling is located on a separate platted lot.
13. Triplex

A detached residential structure containing three dwelling units, designed for occupancy by not more than three families living independently of each other.

B. Lodging/Group Living Uses

1. Bed and Breakfast Facility

An owner-occupied property, other than a hotel or multiple-family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.

2. Boarding / Rooming House

A building, other than a hotel or multiple-family dwelling, where lodging or meals is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

3. Dormitory

A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

4. Hotel/Motel

A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both. This use may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses. A hotel/motel only provides temporary lodging, and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

C. Automotive Uses

1. Auto Dealership

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of new or used automobiles, motorcycles, ATVs, recreational vehicles, light trucks, and trailers, to be displayed and sold on the premises, and where minor repair work and maintenance is done for those vehicles. This use does not allow for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

2. Auto Parts Sales

The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

3. Car Wash

A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

4. Heavy Auto Repair

An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

5. Light Auto Repair

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles.

6. Service Station

A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven days.

7. Truck Sales

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles (for definition, see 3.4.24), to be displayed and sold on the premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises. This use also includes the rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

8. Truck Stop and Repair

Any premises where heavy load vehicles are serviced, repaired, and/or where maintenance on such vehicles is undertaken and which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles. Such premises may include the incidental sale of accessories or equipment for heavy load vehicles and similar commercial vehicles, overnight lodging accommodations, and/or restaurant facilities.

D. Commercial Uses

1. Artist Studio

The workshop of an artist, writer, craftsman, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

2. Bar (51% sales from alcohol)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive fifty-one (51) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

3. Bar (75% sales from alcohol)

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive seventy-five (75) percent or more of the gross revenue from the on-premise sale of alcoholic beverages.

4. Brewpub

- A restaurant or other facility that manufactures alcoholic beverages including but not limited to beer, wine or liquor for either on-premises or off-premises retail and wholesale and consumption in quantities not considered industrial or large-scale production as determined by the City Manager. The business must hold the required licenses and permits from the Texas Alcoholic Beverage Commission.
5. **Building, Materials, and Landscaping Store**

The sale of new building and landscaping materials and supplies with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are either oriented to a retail customer or contractor or wholesale customer. Outdoor storage and retail sales are incidental.
 6. **Convenience Store**

A retail store containing less than 2,500 square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.
 7. **Feed and Farm Supply**

An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
 8. **Financial Institution**

An establishment where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Office," below. Alternative financial services like cash advances are listed under "Pawn Shop / Pay Day Loans," below.
 9. **Food Preparation and Sales**

A place for preparing, cooking, baking and selling of products on the premises.
 10. **Food Truck Park**

An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. This use may include any necessary electrical outlets, seating/dining areas, restroom facilities, and trash receptacles needed for the food trucks daily operations.
 11. **Greenhouse or Nursery**

A facility, structure, or area, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity. This use also includes where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting and like instances.
 12. **Grocery Store**

A store primarily engaged in retailing a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry.
 13. **Heavy Equipment Sales and Rental**

The sales and maintenance of heavy machinery. This includes establishments primarily engaged in sales, renting, or servicing machinery and equipment for use in business, agricultural, or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. "Heavy machinery" includes office equipment, machinery tools, construction equipment, farm implements, excavation equipment, or transportation equipment.

14. Indoor Commercial Amusement

A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to bowling alleys, arcades, skating rinks, escape rooms, pool halls, video and pinball parlors.

15. Kennel

A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.

16. Mixed-Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. A mixed-use development may include a mixed-use building. A mixed-use building is a building with any of the following floor space configurations: (1) an office, as defined below, located above the ground floor, where the ground floor is occupied by any general retail use or (2) any general retail use on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area. The floor space above the ground floor may be occupied by non-residential floor area in addition to dwelling units.

17. Nightclub

A type of entertainment facility that comprises of a dance floor, lightshow, and/or stage for the playing of live music or disc jockey recordings that serves alcoholic beverages and incidental food sales.

18. Office

An office for professionals, such as lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

19. Outdoor Commercial Amusement

A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, and go-cart tracks.

20. Pawn Shop / Pay Day Loans

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker). This includes short-term cash loan businesses (also known as payday loans) most commonly based on a borrower's personal check held for future deposit or on electronic access to the borrower's bank account.

21. Personal Services

Shops and establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, massage spas, employment service, or copy shops.

22. Portable Building Sales

An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

23. Postal Services

Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

24. Print Shop

An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

25. Radio / Television Studio

A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

26. Restaurant

An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises.

27. Retail Store

A shop or store that, as its primary business, sells merchandise to the public. Examples include drugstores and discount department stores, and stores that sell apparel, home improvement/furnishings, toys, electronics or sporting goods.

28. Sexually Oriented Business

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, semi-nude model studio, or sexual encounter center. This term includes all definitions established in Sec. 54-151.

29. Taxidermist

A facility engaged in the preserving of an animal's body via mounting or stuffing for the purpose of display or study.

30. Theater

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

31. Veterinarian Facility

Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. This use includes any necessary overnight care, medical treatment, and monitoring services for any boarded animal.

E. Recreation Uses

1. Amphitheater

An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

2. Athletic Field

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

3. Country Club

Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

4. Health Club

An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

5. Park

An open recreation facility or park owned and operated by a public agency and available to the general public. A park may be privately owned.

6. Private Community Center

A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.

7. Public Community Center

A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

8. Race Track

A facility used for the racing of motor-driven vehicles and/or animals.

9. Sport Shooting Range

A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

10. Swimming Pool

A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

F. Public/Institutional Uses

1. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

2. Civic Center

A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.

3. Civic Club or Lodge

A facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding religious land uses.

4. College or University

- An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.
5. **Correctional Facility**

A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.
 6. **Fairgrounds**

An area or space either outside or within a building for the display of topic-specific goods or information. This use includes outdoor fairs, exhibitions, rodeos, and circuses.
 7. **Public Library, Museum, or Art Gallery**

An institution for the collection, display and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasipublic agency that is open to the general public.
 8. **Religious Land Use**

A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.
 9. **School**

A public or private educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the schools of Texas.
 10. **Technical School**

A nonacademic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.
- G. **Industrial Uses**
1. **Brewery / Distillery**

The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.
 2. **Commercial Cleaning Facility**

An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents.
 3. **Commercial Kitchen**

A place for preparing, cooking or baking of products primarily intended for off-premises distribution.
 4. **Contractor's Shop and Storage Yard**

The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. This use includes storage yards (for equipment, materials [including sand, road-building aggregate or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related

millwork and carpentry, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

5. Heavy Industrial and Manufacturing

The manufacturing, processing, and storing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

6. Industrial Park

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

7. Light Industrial and Manufacturing

Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

8. Microbrewery

A small-scale brewery that produces less than 15,000 barrels of beer or wine per year.

9. Research and Development

A facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

10. Salvage Yard

Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts and accessories, including

any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise. This use also includes areas in which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

11. Self-Storage (Mini-Warehouse)

A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

12. Warehouse, Distribution, and Wholesale

"A facility or area for the storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

- a. Carting,
- b. cold storage,
- c. distribution facilities (as defined below),
- d. dry goods wholesale,
- e. express crating,
- f. hauling,
- g. feed locker plants,
- h. fulfillment centers that combine storage with call centers,
- i. hardware storage,
- j. merchant wholesalers (such as restaurant supply sales),
- k. warehouse or produce/fruit/food storage and wholesale structures,
- l. wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off -site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles."

13. Wholesale Showroom Facility

An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall maintain a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public.

H. Caretaking Service Uses

1. Adult Day Services

A facility that offers services and activities to senior citizens, including but not limited to counseling, assistance with daily tasks, exercise, transportation, and social activities. Such facilities do not include overnight stays.

2. Assisted Living Facility

"Per the Texas Health & Safety Code, Section 247.002, ""assisted living facility"" means an establishment that:

- a. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
- b. Provides:
 - (i) Personal care services; or
 - (ii) Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
- c. May provide assistance with or supervision of the administration of medication; and
- d. May provide skilled nursing services for the following limited purposes:
 - (i) Coordination of resident care with outside home and community support services agencies and other health care professionals;
 - (ii) Provision or delegation of personal care services and medication administration as described by this subdivision;
 - (iii) Assessment of residents to determine the care required; and
 - (iv) For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency."

3. Chemical Dependency Facility

"Per the Texas Health & Safety Code, Section 464.001:

- a. "Chemical dependency"" means:
 - (i) Abuse of alcohol or a controlled substance;
 - (ii) Psychological or physical dependence on alcohol or a controlled substance; or
 - (iii) Addiction to alcohol or a controlled substance.
- b. "Facility" means:
 - (i) A public or private hospital;
 - (ii) A detoxification facility;
 - (iii) A primary care facility;
 - (iv) An intensive care facility;
 - (v) A long-term care facility;
 - (vi) An outpatient care facility;
 - (vii) A community mental health center;
 - (viii) A health maintenance organization;
 - (ix) A recovery center;

- (x) A halfway house;
- (xi) An ambulatory care facility; or
- (xii) Any other facility that offers or purports to offer treatment."

4. Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

5. Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

6. Child Care Home (≤ 6 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

7. Child Care Home (≥ 7 Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

8. Clinic

A public or private, profit or nonprofit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service. This use includes physician and dental offices.

9. Community Home for Persons with Disabilities

"A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- a. An orthopedic, visual, speech, or hearing impairment;
- b. Alzheimer's disease;
- c. Pre-senile dementia;
- d. Cerebral palsy;
- e. Epilepsy;
- f. Muscular dystrophy;
- g. Multiple sclerosis;
- h. Cancer;
- i. Heart disease;
- j. Diabetes;
- k. Autism; or

I. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

10. Funeral Services

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and, performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbarias.

11. Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

12. Medical Care Facility

An establishment, whether or not licensed or required to be licensed by the State of Texas, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Texas accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

I. Transportation Uses

1. Airport

A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

2. Bus Terminal

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

3. Parking Facility

A designated lot or area on a lot for the parking of vehicles, inclusive of surface and multi-level, structured parking facilities.

4. Railroad Station

Any premises for the transient parking of trains and the loading and unloading of passengers.

5. Railroad Team Track and Right-of-Way

A facility/place for the loading and unloading of materials on trains.

6. Transit Station

- An area or facility where people wait for transportation services.
7. Truck or Motor Freight Terminal

A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
 - J. Infrastructure Uses
 1. Electrical Substation

A subsidiary station in which electric current is transformed.
 2. Eligible Facility

A wireless tower as established in Section 3.2.8.A.
 3. Gas Metering Station

A facility at which natural gas flows are regulated and recorded.
 4. Governmental Service Yard

An area for the servicing and storage of vehicles or other property of a governmental agency.
 5. Power Plant

An industrial facility using solar, wind, water, electric, or other sources to generate electric power.
 6. Recycling Facility

A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
 7. Solid Waste Facility

A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.
 8. Solid Waste Transfer Station

A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.
 9. Telephone Exchange

A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.
 10. Utility Shop

The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.
 - K. Agriculture Uses
 1. Agriculture

The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any and

all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

2. Agritainment

Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, and petting zoos).

3. Feedlot

An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale.

4. Commercial Stable

A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the stable use.

L. Accessory Uses

1. Accessory Building

A subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

2. Accessory Dwelling Unit

An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. This use also includes similar uses like servant's quarters and guard residences.

3. Barndominium

An accessory structure that includes living space and barn space on an agricultural property. Barns detached from the living space operating as a separate structure are not included in this definition.

4. Carport

A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

5. Donation and Collection Bin

An accessory structure where clothes, goods, products, and other items are placed for donation and are subsequently delivered to a charitable organization for public consumption.

6. Fuel Pump

A stand-alone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

7. Home Occupation

An occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.

8. Garage

- A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.
9. Outdoor Dining
An accessory space reserved for customers at a restaurant.
 10. Outdoor Display
The outside arrangement of goods, materials, products, or other equipment on a lot for consumer sales.
 11. Outdoor Storage
The outside keeping of goods, materials, products, containers, or other equipment on a lot.
 12. Private Stable
An accessory use designated for quartering horses on private property.
 13. Personal Swimming Pool
A swimming pool on private property for the use of the property owner, including family and guests.
 14. Retail Ice and Dispensed Water Sales
An establishment offering automated retail sale of bagged or bulk ice, and dispensed water through a coin-operated machine enclosed in a structure; ice is frozen and bagged on-site.
 15. Service Bay
An opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.
 16. Transit Stop
A curbside place where passengers board or alight transit, that may or may not include a small shelter usually having three walls, a roof, and a bench, designed to provide for the protection and convenience of passengers.
 17. Wind Energy Conversion System
A wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses in all zoning districts.
- M. Temporary Uses
1. Batching Plant
A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.
 2. Construction Yard
A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office.
 3. Field or Sales Office
A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or

administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

4. Flea Market

A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

5. Itinerant Vendor

All persons, firms and corporations, as well as their agents and employees, who engage in the temporary or transient business in the city of exposing or offering to expose plates or films to make negatives for the making of pictures or photographs, or who engage in the temporary or transient business in the city of selling or offering for sale any goods or merchandise, or exhibiting for sale or exhibiting goods or merchandise for the purpose of taking orders for the sale thereof, or who, for the purpose of carrying on such business or conducting such exhibits thereof, either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the city, in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof. The term "itinerant vendor," as defined in this section, shall not include or be construed to include any person engaged in interstate commerce nor any person upon whom the provisions of this article would impose a direct and unlawful burden on interstate commerce.

6. Mobile Food Vendor

Any business which sells edible goods from a non-stationary location within the city. The terms shall include, but not be limited to:

- a. Mobile food trucks: a self-contained motorized unit selling items defined as edible goods.
- b. Concession trailers: a vending unit which is pulled by a motorized unit and has no power to move on its own.

7. Pop-Up Market

An organized operation conducted outside of a permanent structure at a designated location used by vendors primarily for the distribution and sale of retail merchandise.

8. Seasonal Roadside Stand

Any structure or land used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, which is clearly an accessory use of the premises and does not change its character. This may also include the sale of produce grown on other farms and accessory products.

Appendix A: Historic Districts, Landmark Properties, and Heritage Properties

A. Purposes

The intent of historic district designation is to recognize areas of the city of historical and cultural importance because of the presence therein of significant historic, architectural, or cultural resources; to foster civic pride in the accomplishments of the past; to encourage stabilization, restoration, and improvements of such resources and their values; to allow for a design review process, and to serve as a basis for preservation incentive programs. The provisions in this Article pertaining to the designation of landmark and heritage properties constitute a part of the comprehensive plan of the City of McAllen.

B. Designation of Historic Districts

1. Zoning Designation

The City Commission may, from time to time, upon recommendation of McAllen Historic Preservation Council, designate certain areas in the City of McAllen as historic districts, and define, amend or eliminate the boundaries of same. Such districts shall bear the word "historic" in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the UDC.

2. Official Zoning Map

The City Commission shall cause the designation to be recorded by the city secretary in the Records of Hidalgo County, the Hidalgo County Appraisal District, and the tax records of the City of McAllen. The official zoning map for the City of McAllen shall indicate the designated historic district with the suffix "HD".

3. Criteria

In making the designation of a historic district, the City Commission shall affirmatively find the area has one or more of the following characteristics:

- a. Possess significance in history, architecture, archeology, and culture;
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- c. Is associated with the lives of persons significant in our past;
- d. Embodies the distinctive characteristics of a type, period, or method of construction;
- e. Represents the work of a renowned master designer, builder or craftsman;
- f. Represents an established and familiar visual feature of the neighborhood; and
- g. The majority of the resources within the district is 50 years old or older and considered contributing historically as it retains its structural and architectural integrity.

4. Procedure to Establish a Historic District

In designating a historic district, the following steps must be followed:

- a. A petition signed by the owners of a majority of the land within the proposed district requesting its designation as a historic district must be filed with the council as an attachment to an application to consider the designation of a historic district. The application shall be in the form and be filed in the manner required by the McAllen Historic Preservation Council.
- b. Once the application is submitted and processed, the council shall conduct a public hearing at which the owner, interested parties, and/or technical experts may present testimony or documentary

evidence which shall become part of a record regarding the historic, architectural or cultural importance of the proposed historic district. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render a recommendation to the McAllen Historic Preservation Council. The McAllen Historic Preservation Council shall ascertain the historic nature of the proposed district and determine whether it meets the designation criteria. The McAllen Historic Preservation Council shall then forward a report and recommendation to the Planning and Zoning Commission to accept, modify, or reject the district as proposed. Prior to the hearing written notices shall be sent as provided in Section 6.1.7, and official signs shall be posted as provided in Section 6.1.7, with the words, "NOTICE OF HISTORIC DISTRICT DESIGNATION," the number and location of which signs shall be determined by the McAllen Historic Preservation Council.

- c. Once the Planning and Zoning Commission receives the McAllen Historic Preservation Council's report and recommendation, it shall give notice, conduct a public hearing. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render the McAllen Historic Preservation Council's recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall ascertain the historic nature of the proposed district and determine whether it meets the designation criteria. After the hearing the Planning and Zoning Commission shall forward the McAllen Historic Preservation Council's and its own report and recommendation to the City Commission to accept, modify, or reject the proposed district. Prior to the hearing written notices shall be sent and official signs shall be posted in the same manner as for the council's hearings, with the number and location of said signs determined by the Planning and Zoning Commission.
- d. After receiving the McAllen Historic Preservation Council's and Planning and Zoning Commission's reports and recommendations the commission shall conduct a public hearing and take action to accept, modify, or reject the proposed district. Prior to the hearing notice shall be given by publication as provided in Section 6.1.7. At the hearing the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and the Planning and Zoning Commission's recommendations.
- e. Nominated Districts

The McAllen Historic Preservation Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of a nominated historic district. In such a case the council's approved motion to do so shall substitute for the petition referred to at Subsection a, above. All relevant procedures outlined in this Subsection, shall be followed. However, no recommendation may be forwarded to the Planning and Zoning Commission unless the McAllen Historic Preservation Council's recommendation is supported by a two-thirds majority vote.
- f. Maintaining Districts

In order to qualify for any special funding or tax incentives, designated historic district must maintain the characteristics depicted in Subsection 3 on the basis of which it was designated, and follow all relevant guidelines established by the City of McAllen including performing ordinary repairs and maintenance as necessary.

C. Designation of Historic Properties

1. Zoning Designation

The commission may, from time to time, designate certain historic resources in the City of McAllen as landmark or heritage properties. Such properties shall bear the word "historic" in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the UDC.

2. Official Zoning Map

Upon designation of property as a heritage or landmark property, the commission shall cause the designation to be recorded in the Official Public Records of Real Property of Hidalgo County, the tax records of the City of McAllen and the Hidalgo County Appraisal District. The official zoning map for the City of McAllen shall indicate a designated landmark property with the suffix "LP," and a designated heritage property with the suffix "HP".

3. Criteria

A property qualifies for designation as a landmark or heritage property if it is a historic resource, including a building or structure that complies with all the applicable requirements of this Article and meets any of the following criteria for the specific designation:

- a. For landmark property designation, the property is at least 50 years old, has been restored, rehabilitated, or preserved in accordance with the applicable United States Secretary of the Interior's Standards, and any design guidelines adopted by the City, and:
 - (i) Embodies the distinctive characteristics of a type, period, or method of historical construction or architecture;
 - (ii) Is associated with the lives of persons significant to our past;
 - (iii) Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - (iv) Has yielded information important in the prehistory or history of McAllen, the region, or the nation.
- b. For heritage property designation, the property is:
 - (i) At least 50 years old but does not qualify for or is not designated a landmark property and, in keeping with standards and procedures promulgated by the City of McAllen, has had all of the facade facing any street it abuts substantially restored, rehabilitated, or preserved; or
 - (ii) Is less than 50 years old and has been substantially restored, rehabilitated, or preserved in keeping with standards and procedures promulgated by the City of McAllen; or
 - (iii) Is a comparable building or structure, as that term is defined in this Article.

4. Procedure to Designate Historic Properties

In designating a landmark or heritage property, the following steps must be followed:

- a. A property owner shall submit an application to the McAllen Historic Preservation Council in order to be considered for designation as a landmark or heritage property. The application shall be in the form and be filed in the manner required by the McAllen Historic Preservation Council.
- b. Once the application is submitted and processed, the McAllen Historic Preservation Council shall conduct a public hearing whereas the owner, interested parties, and/or technical experts may present testimony or documentary evidence which shall become part of a record regarding the historic, architectural or cultural importance of the proposed property. Written notices shall be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, "NOTICE OF HISTORIC PROPERTY DESIGNATION," with the number and location of said signs determined by the McAllen Historic Preservation Council. At the hearing the Historic Preservation Officer shall make a presentation and make a recommendation to the McAllen Historic Preservation Council. Following the hearing and deliberation, the council shall forward a recommendation to the Planning and Zoning Commission.
- c. Upon submission by the McAllen Historic Preservation Council, the Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation. Written notices shall be sent

and official signs shall be posted in the same manner as for the McAllen Historic Preservation Council's hearings, with the number and location of said signs determined by the Planning and Zoning Commission. At the hearing the Historic Preservation Officer shall make present the McAllen Historic Preservation Council's recommendation. Following the hearing and deliberation, the Planning and Zoning Commission shall forward a recommendation to the City Commission.

- d. Upon receipt of a recommendation from the Planning and Zoning Commission, the commission shall give notice, hold a public hearing and make its determination. Notice of such hearing shall be given by publication as provided in Section 6.1.7. At the hearing the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and the Planning and Zoning Commission's recommendations.

- e. Nominated Historic Properties

The McAllen Historic Preservation Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of nominated historic properties. In such a case the McAllen Historic Preservation Council's approved motion to do so shall substitute for the property owner's application referred to at Subsection a above. All relevant procedures outlined in this Subsection, shall be followed. However, no recommendation may be forwarded to the Planning and Zoning Commission unless the McAllen Historic Preservation Council's recommendation is supported by a two-thirds majority vote.

5. Maintaining Historic Properties

In order to qualify for any special funding or tax incentives, landmark and heritage properties, and contributing resources in historic districts must maintain the characteristics on the basis of which they were designated, must be properly maintained, and follow all relevant guidelines established by the City of McAllen.

D. Withdrawal of Designation

Whenever it shall come to the McAllen Historic Preservation Council's attention that a designated historic district has failed to maintain the characteristics depicted in this Subsection on the basis of which it was designated, or that a designated landmark or heritage property has failed to maintain the criteria specified in Subsection 3, or that either such a district or property has failed to follow any relevant guidelines established by the City of McAllen, the McAllen Historic Preservation Council may entertain a motion to recommend withdrawal of such designation. Such withdrawal of designation shall render the affected properties ineligible for any tax relief, pursuant to Section 98-72 of this Code of Ordinances.

1. Procedure to Withdraw Designation

The affected landmark or heritage property owner and all property owners of the affected historic district shall be given written notice of the time and place of the hearing by certified mail sent at least ten business days before the meeting to the owner's address of record.

2. Written notices shall be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the McAllen Historic Preservation Council.
3. The Historic Preservation Officer shall make a presentation at the scheduled hearing and render a recommendation to the McAllen Historic Preservation Council. The owner or owner's agent or representative shall attend the McAllen Historic Preservation Council's scheduled hearing. In the event the owner or owner's agent or representative fails to be present at the hearing the McAllen Historic Preservation Council shall table the item. At any subsequent meeting and regardless of the absence of the owner or owner's agent or representative, the McAllen Historic Preservation Council may take action.

4. The McAllen Historic Preservation Council shall forward a recommendation to the Planning and Zoning Commission for withdrawal of designation if it finds that:
 - a. A designated historic district has failed to maintain the characteristics depicted in this Subsection on the basis of which it was designated; or
 - b. A designated landmark or heritage property has failed to maintain the criteria specified in Subsection 3; or
 - c. Either such a district or property has failed to follow any relevant guidelines established by the City of McAllen.
5. Once Planning and Zoning Commission receives the McAllen Historic Preservation Council's recommendation it shall cause written notices to be sent in a manner similar to that provided in Section 6.1.7, and official signs shall be posted as is provided in Section 6.1.7, with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the McAllen Historic Preservation Council. The Planning and Zoning Commission shall conduct a public hearing during which the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's recommendation. Following the hearing the Planning and Zoning Commission shall deliberate and forward a recommendation to the City Commission.
6. After the City Commission receives the Planning and Zoning Commission's recommendation it shall provide notice by publication as provided in Section 6.1.7, conduct a public hearing during which the Historic Preservation Officer shall make a presentation and render the McAllen Historic Preservation Council's and Planning and Zoning Commission's recommendations, and take action on the recommendation.

Memo

TO: Planning and Zoning Commission

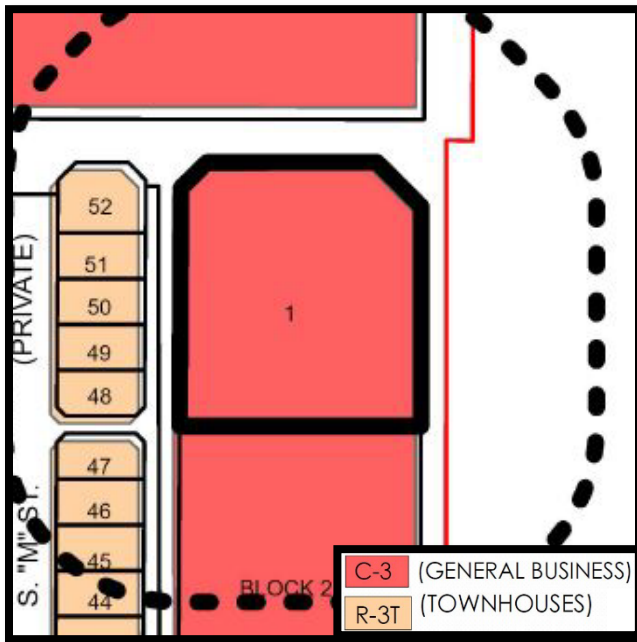
FROM: Planning Staff

DATE: November 22, 2024

SUBJECT: SITE PLAN APPROVAL FOR LOT 1, BLOCK 2, VILLA HERMOSA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3400 SOUTH JACKSON ROAD. (SPR2024-0041)

LOCATION: The subject property is located on the southwest corner of El Rancho Road and South Jackson Road. The subject property is zoned C-3 (General Business) District. Adjacent zoning includes C-3 District to the north and south, and R-3T District to the west. The areas east are outside of the McAllen City Limits. Surrounding land uses include vacant land and townhomes.

PROPOSAL: The applicant is proposing to construct a 5,650 square foot building to operate a Gas Station (Circle K).



ANALYSIS:

Access:

Access to the site is from East El Rancho Road and South Jackson Road. There is no alley proposed.

Parking Requirements:

Based on 5,650 square feet that will be used for the proposed Gas Station, 18 parking spaces are required for the site and 18 parking spaces are being proposed. Moreover, one of the proposed regular parking spaces must be accessible for van accessibility with an 8-foot-wide aisle. The applicant is meeting parking requirements for the new development.

Landscape Requirements:

8,010 square feet of green area is required for the new development and 33,778 square feet is proposed. The tree requirement is as follows: 22 two-and-a half-inch-caliper trees, 11 four-inch caliper trees, 6 six-inch caliper trees, or 6 palm trees. A minimum 10-foot wide landscaped strip is required inside the front property line. Fifty percent of the required green area for the new development must be visible from the street or front property line, and each parking space must be within 100 feet of a landscaped area with a tree. A 6-foot buffer is required around dumpsters/compactors if visible from the street. Finally, an 8-foot masonry wall is required between commercial and residential zone/use. The applicant is meeting landscaping requirements for green area and trees.

Other Planning Requirements:

There is a 60-foot front yard setback and 10 foot utility easement along South Jackson Road and a 40-foot setback along El Rancho Road. The rear yard setback and side yard setbacks are as per Zoning Ordinance or greater for approved site plan or easements. No structures are permitted to be built over any easements. The new development will be complying with all required setbacks for the property.

A 4-foot-wide minimum sidewalk is required along South Jackson Road and East El Rancho Road.

The Building Permit Site Plan must comply with requirements noted on the Development Team Review sheet. Must comply with any additional comments provided by all departments during the building permit stage.

RECOMMENDATION: Staff recommends approval of the site plan subject to the conditions noted, Building Permit requirements, Subdivision and Zoning Ordinances.

K K Engineering Consultant
 GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
 400 E. WYATT AVE. SUITE 200
 McALLEN, TEXAS 78501
 (956) 630-2125
 FAX (956) 630-2219

SCALE 1" = 60'

METES & BOUNDS

AN 18.61 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 9, A.J. McCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAID 18.61 ACRE TRACT OF LAND BEING THE SAME LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 1408886, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, AND IS ALSO BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" ROD FOUND AT THE WEST LINE OF LOT 1 BLOCK 9 FOR THE NORTHWEST CORNER OF LAS CABANAS SUBDIVISION RECORDED IN 47, PAGE 178, MAP RECORDS OF HIDALGO COUNTY, TEXAS AND THE SOUTHWEST CORNER OF THIS TRACT OF LAND AND THE POINT OF BEGINNING;

THENCE NORTH 08°07'40" EAST (DEED N 08°25'00" E) WITH THE WEST LINE OF SAID LOT 1, BLOCK 9, A DISTANCE OF 297.18 (DEED 298.20') TO A PIPE FOUND FOR AN OUTER CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 81°26'35" EAST, (DEED S 81°35'00" E), A DISTANCE OF 797.89 FEET (DEED 798.35') TO A PIPE FOUND FOR AN INNER CORNER OF THIS TRACT OF LAND;

THENCE NORTH 08°38'36" EAST (DEED N 08°25'00" E), AT 547.07 FEET PASS A PIPE FOUND AT THE SOUTH RIGHT-OF-WAY LINE OF EL RANCHO ROAD, AT 572.07 FEET (DEED 573.22') IN ALL TO THE NORTH LINE OF SAID LOT 1 FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 81°23'44" EAST (DEED S81°35'00"E), WITH THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 658.20 FEET (DEED 658.92') TO THE NORTHEAST CORNER OF SAID LOT 1 BLOCK 9 FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 08°38'30" WEST (S 08°25'00" W), WITH THE EAST LINE OF SAID LOT 1, BLOCK 9, A DISTANCE OF 870.84 FEET (DEED 869.42') TO THE NORTHEAST CORNER OF THE SAID LAS CABANAS SUBDIVISION, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND;

THENCE NORTH 81°21'30" WEST (DEED N 81°35'00" W), WITH THE NORTH LINE OF SAID LAS CABANAS SUBDIVISION AT 41.4 FEET PASS A PIPE FOUND, AT 42.30 FEET PASS THE WEST RIGHT-OF-WAY LINE OF JACKSON ROAD RECORDED IN VOLUME 471, PAGE 1011, DEED RECORDS, AT 1488.30 FEET (DEED 1488.27') IN ALL TO THE POINT OF BEGINNING, CONTAINING 18.61 ACRES OF LAND MORE OR LESS (DEED 18.60 AC)

IRREGULAR LOT AREAS - BLK.1

LOT NO.	AREA (S.F.)	LOT NO.	AREA (S.F.)
1	8,054	21	5,434
2	5,106	22	5,430
3	5,789	23	5,426
4	5,633	24	7,088
5	6,236	25	7,233
6	5,183	29	5,445
7	5,179	30	5,454
8	5,175	33	6,065
9	5,171	34	6,044
10	6,018	40	5,263
11	6,858	41	5,526
12	5,454	47	5,100
13	5,450	48	5,100
14	5,469	52	7,577
15	5,454		
16	5,244		
17	5,336		
18	5,323		
19	5,149		
20	5,432		

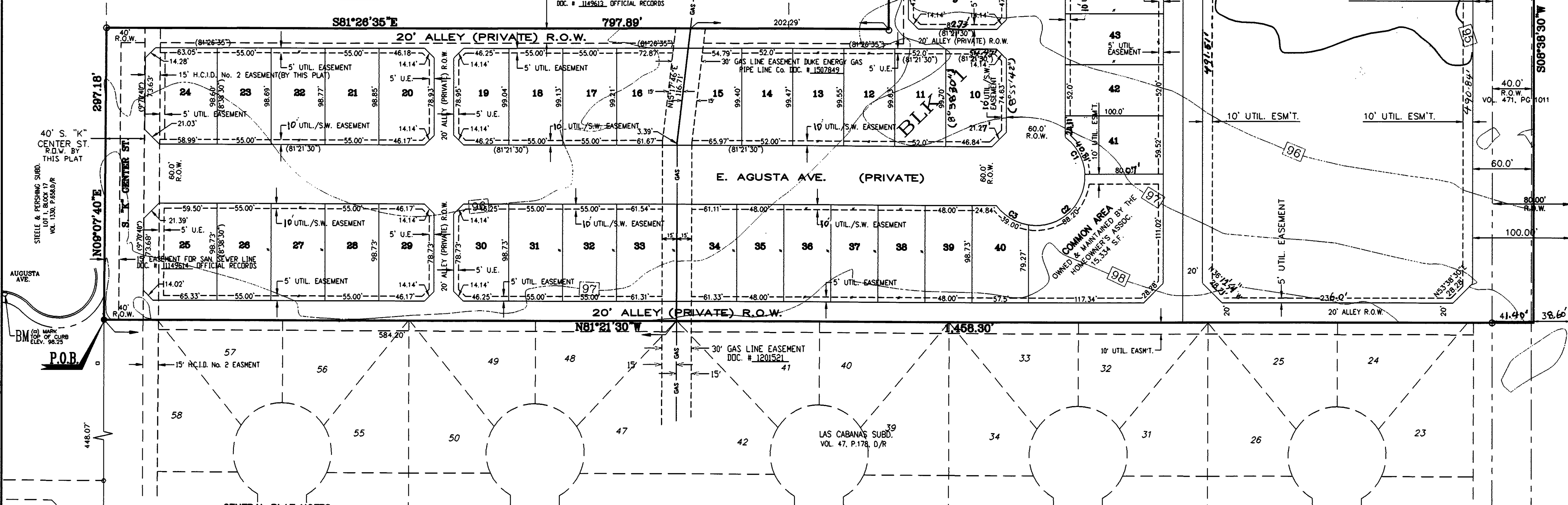
CURVE TABLE

CURVE LENGTH	RADIUS	TANGENT	CHORD	DELTA
C1 40.01'	50.00'	21.62'	42.66'	46°45'55"
C2 88.20'	50.00'	60.73'	77.20'	101°04'19"
C3 39.00'	50.00'	20.55'	38.02'	44°41'19"

LEGEND

● FOUND 1/2" IRON ROD

○ FOUND PIPE



GENERAL PLAT NOTES:

- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB MEASURED AT THE FRONT CENTER OF EACH LOT.
- THE SUBDIVISION IS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0425 C DATED NOVEMBER 16, 1982
- MINIMUM BUILDING SETBACK FOR BLOCK 2 SHALL BE AS FOLLOWS:
 S. JACKSON RD. : 60' OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
 E. EL RANCHO RD. : 40' OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
 OTHER SETBACKS AS PER THE ZONING ORDINANCE OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
 BLOCK 1:
 CORNER - E. EL RANCHO ROAD 10' S. "K" CENTER STREET - 20'; ALONG ALLEY 10' FRONT; S. "M" ST. & E. AUGUSTA AVE. - 10.0' OR GREATER FOR EASEMENTS.
 REAR - 5.0' OR GREATER FOR EASEMENTS, EXCEPT 15.0' ON EAST SIDE OF LOTS 16 & 33 AND WEST SIDE OF LOTS 15 & 34.
 GARAGE - 5.0'
- A DRAINAGE DETENTION OF 1.85 AC-FT., 0.19 AC-FT FOR LOT 1 (COMMERCIAL), 0.58 AC-FT FOR LOT 2 (COMMERCIAL) AND 1.18 FOR BLK. 1 (RESIDENTIAL - 870 C.F. PER LOT). AN ENGINEERED DETENTION PLAN, APPROVED BY THE ENGINEERING DEPT. IS REQUIRED, PRIOR TO ISSUANCE OF BUILDING PERMIT.
- THE CITY OF McALLEN TO HAVE A 25'x25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS, MEASURED FROM THE CURB. ALSO, 10' x 10' CORNER CLIP EASEMENT IS REQUIRED AT ALLEY INTERSECTIONS WITH STREETS.
- 4' SIDEWALK REQUIRED ON S. JACKSON ROAD, E. EL RANCHO RD., S."K" CENTER ST., AND BOTH SIDES OF E. AUGUSTA AVE., AND SOUTH SIDE OF S."M" ST.
- 6' BUFFER IS REQUIRED ALONG E. EL RANCHO ROAD AND S."K" CENTER ST. FOR LOTS 1, 52, 24 AND 25, BLK. 1, AND BETWEEN COMMERCIAL AND RESIDENTIAL ZONES/USES.
- LOT OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE ACCESS DRIVES, STREETS, ALL COMMON AREAS, AND NOT THE CITY OF McALLEN.
- BENCHMARK: CITY OF McALLEN MGRS ELEVATION 106.45; LOCATED APPROX. 65' WEST OF S. JACKSON RD. AND 1.1 MILES SOUTH OF E. EL RANCHO ROAD, ON THE LEVEL. SUBDIVISION BENCHMARK (C) MARK ON TOP OF CURB ELEV. = 98.25 (N.A.V.D. 1988) LOCATED AT THE CUL-DA-SAC OF AUGUSTA AVE.
- NO CURB CUT, ACCESS PERMITTED ON S."K" CENTER ST. AND E. EL RANCHO ROAD FOR BLOCK 1.
- SITE PLAN MUST BE APPROVED BY PLANNING AND ZONING COMMISSION PRIOR TO BUILDING PERMIT ISSUANCE FOR LOTS 1 AND 2, BLOCK 2.

Recorded in Volume **54** Page **43**
 of the map records of Hidalgo County, Texas
 Arturo Guajardo, Jr.
 County Clerk

FILED FOR RECORD IN:
 HIDALGO COUNTY
 BY ARTURO GUAJARDO, JR.
 COUNTY CLERK
 ON: 10-22-07 AT 2:15 PM
 AS A RECORDING NUMBER 107822
 BY: *Elise Cutille* DEPUTY

PLAT
 of
VILLA HERMOSA
SUBDIVISION

A 18.61 ACRE TRACT OF LAND OUT OF LOT 1, BLK. 9, A.J. McCOLL SUBDIVISION HIDALGO COUNTY, TEXAS.
 AS RECORDED IN VOL. 21, PG. 598, H.C.D.R.
 PREPARED BY: K K ENGINEERING CONSULTANT
 DATE: JUNE 16, 2004

STATE OF TEXAS
 COUNTY OF HIDALGO

THE OWNER OF THE LAND ON THIS PLAT AND DESIGNATED HEREIN AS VILLA HERMOSA SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN AND WHOSE NAME IS SUBSCRIBED HERETO DO HEREBY GRANT AN EASEMENT TO SAID CITY AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREET IS RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF McALLEN EMPLOYEES OF UTILITIES UNDER FRANCHISE TO SAID CITY AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE PORTIONS OF E. EL RANCHO RD., S. JACKSON RD., S. "K" CENTER STREET, AND THE 20' COMMERCIAL ALLEY FOR USE AS STREET/ALLEY RIGHT OF WAY DEDICATED TO THE CITY OF McALLEN.

OWNER: SOUTH VILLA HERMOSA, LTD.
 GENERAL PARTNER PREFERENCE, INC.
 ALONZO CANTU, PRESIDENT
 P.O. BOX 2673
 McALLEN TEXAS 78502

STATE OF TEXAS
 COUNTY OF HIDALGO

KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26th DAY OF July 2007.

Valma Garcia
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 MY COMMISSION EXPIRES 03-07-2009

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Richard J. Ornel
 MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
 COUNTY OF HIDALGO

THIS SUBDIVISION PLAT OF VILLA HERMOSA SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 15th DAY OF October A. D. 2007.

Lupe
 CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 48211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
 BY: *1/22/07*

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT #2 ON THIS, THE 5th DAY OF July 2007.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT #2 RIGHTS-OF-WAYS OR EASEMENTS.

Alfonso PRESIDENT
3rd Formentor SECRETARY

STATE OF TEXAS
 COUNTY OF HIDALGO

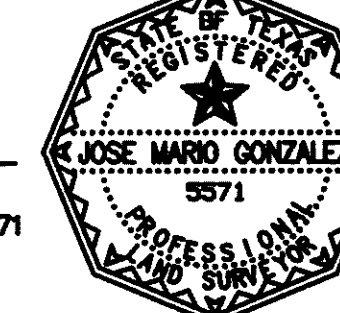
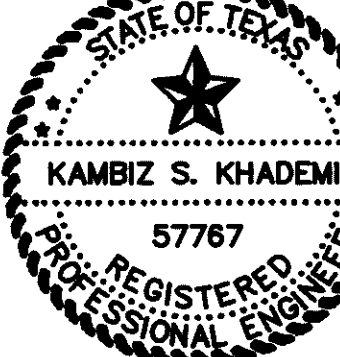
I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Kambiz S. Khademi
 KAMBIZ S. KHADEMI, P.E.
 REG. PROFESSIONAL ENGINEER No. 57767

STATE OF TEXAS
 COUNTY OF HIDALGO

I, JOSE MARIO GONZALEZ, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.

Jose Mario Gonzalez
 JOSE MARIO GONZALEZ
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5571
 302 W. UNIVERSITY DR. SUITE "C"
 EDINBURG, TEXAS 78530



This drawing is the property of the above referenced Professional and is not to be used for any purpose other than the specific project and site named herein, and cannot be reproduced in any manner without the express written permission from the professional.

PROFESSIONAL SEAL

REVISION	
△ ISSUE	DATE

PROFESSIONAL IN CHARGE
 XX
 PROJECT MANAGER
 XX
 QUALITY CONTROL
 XX
 DRAWN BY
 XX

PROJECT NAME

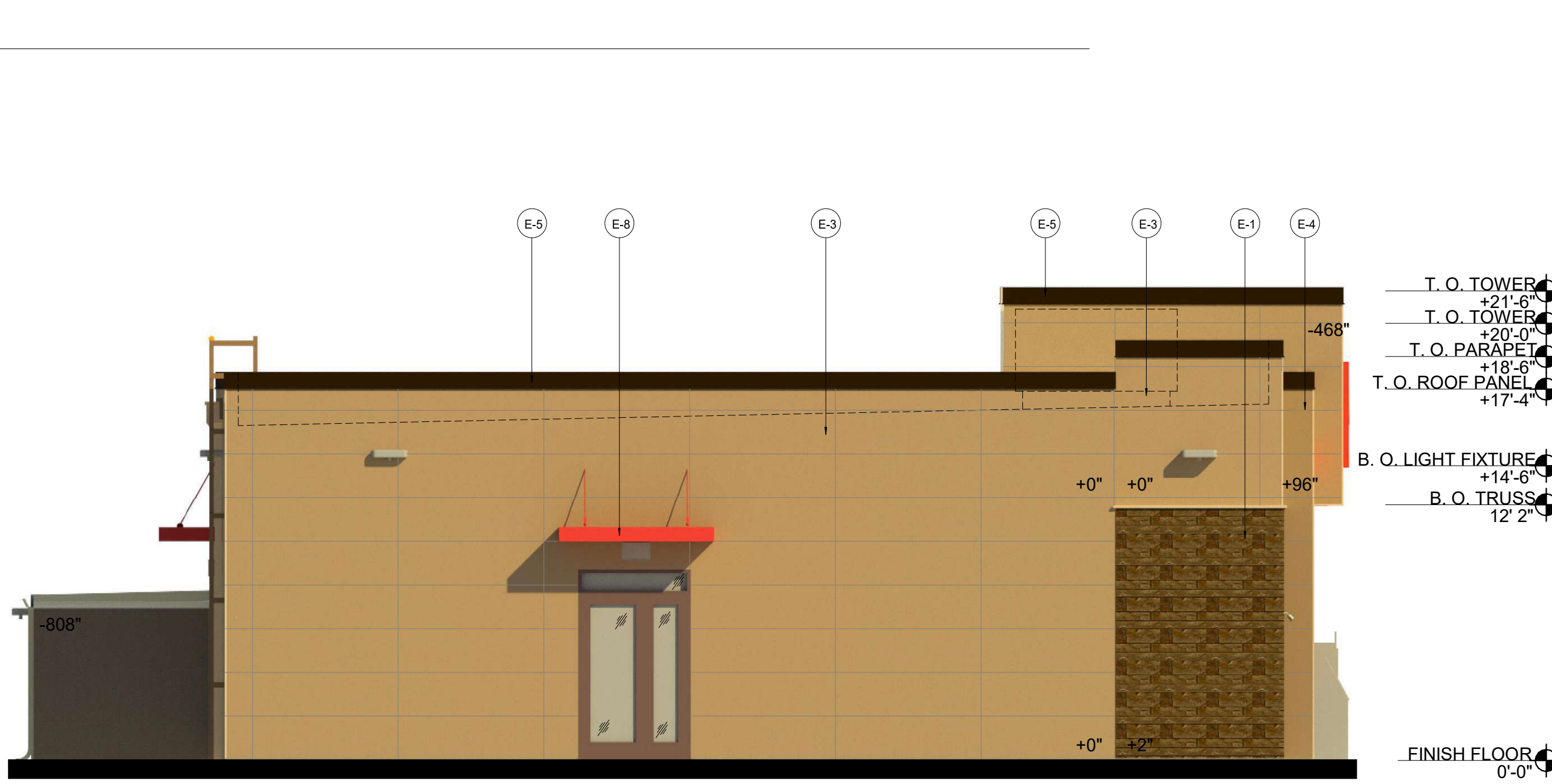
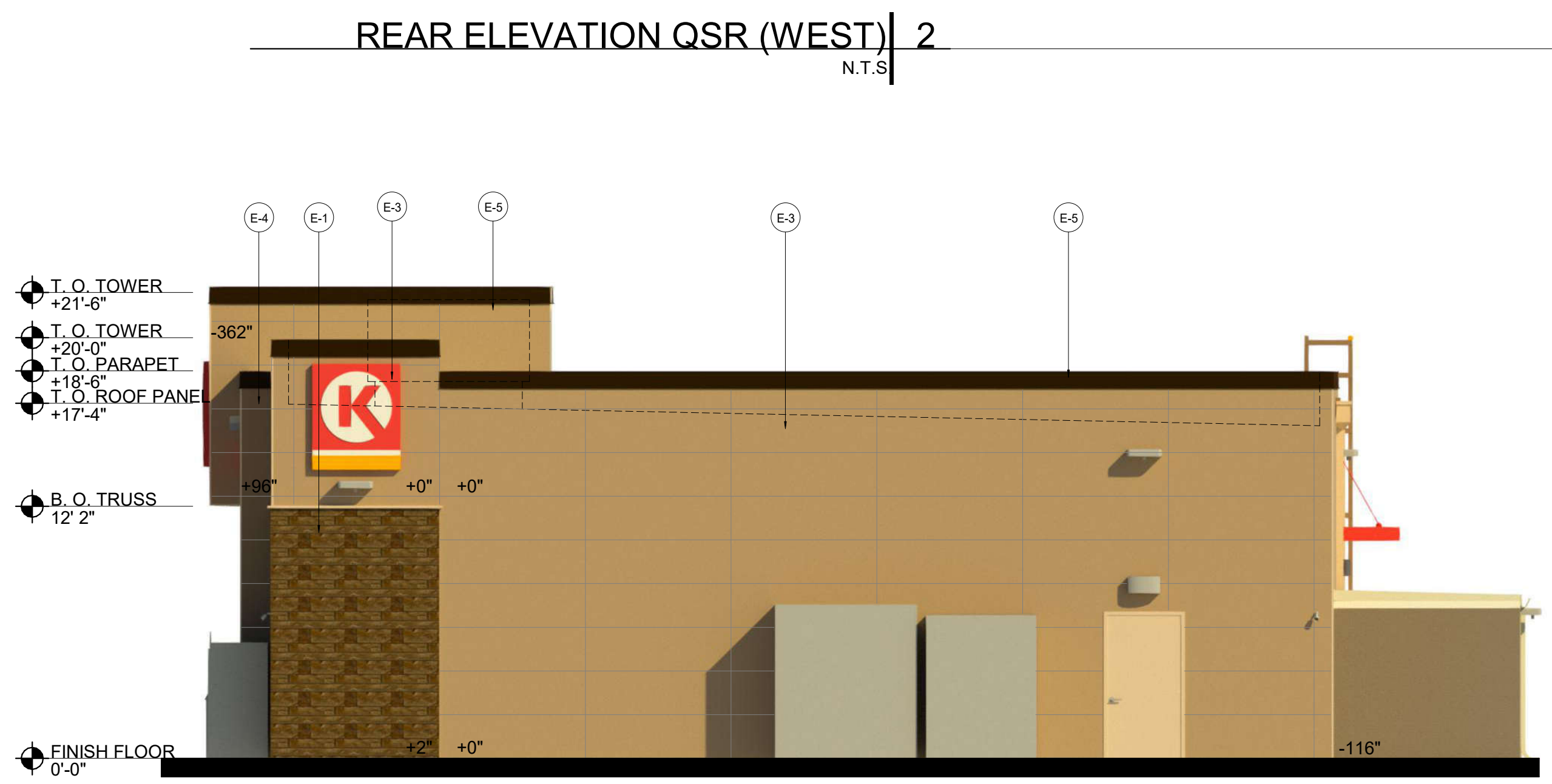
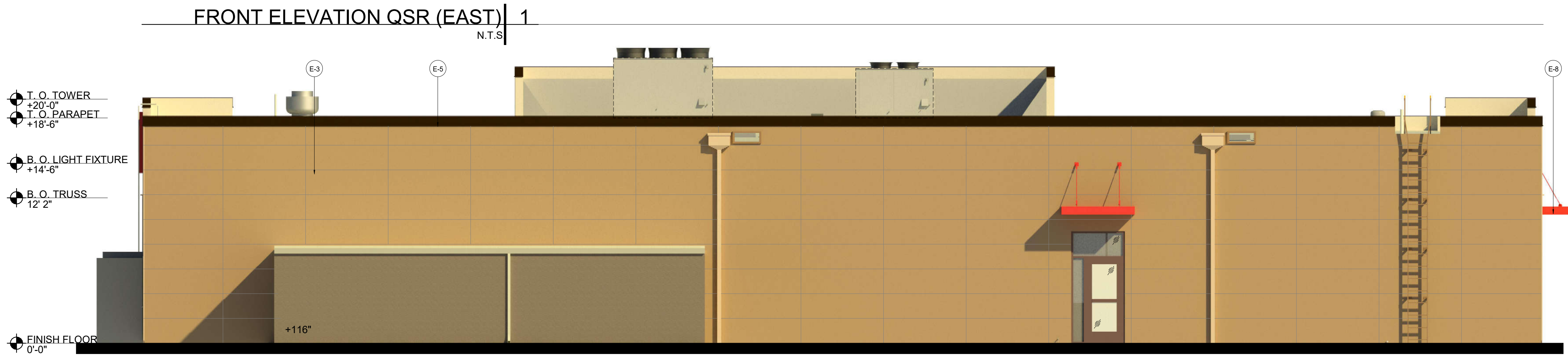
CIRCLE K STORES, INC.

PARCEL ID: #
 E. EL RANCHO RD. &
 JACKSON RD.
 MCALLEN, TX



CIRCLE K STORE
 PROJECT NUMBER:
 240-236

EXTERIOR ELEVATIONS MATERIALS AND COLORS A2.01QSR



T.O. TOWER +21'-6"
 T.O. TOWER +20'-0"
 T.O. PARAPET +18'-6"
 T.O. ROOF PANEL +17'-4"
 B.O. TRUSS 12'-2"
 FINISH FLOOR 0'-0"

T.O. TOWER +20'-0"
 T.O. PARAPET +18'-6"
 B.O. LIGHT FIXTURE +14'-6"
 B.O. TRUSS 12'-2"
 FINISH FLOOR 0'-0"

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 B.O. TRUSS 12'-2"
 FINISH FLOOR 0'-0"



City of McAllen

Planning Department

SUB0024-0125

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information	Subdivision Name <u>CXL ACRES SUBD.</u>
	Legal Description <u>1.08 AC. 0/0 LOT 2 E.W. CARD SURVEY NO. 1, H.C.T.</u>
	Location <u>SEC N. 29TH ST & S.W. 107</u>
	City Address or Block Number <u>11624 N. 29th Street</u>
	Total No. of Lots <u>1</u> Total Dwelling Units <u>—</u> Gross Acres <u>1.08</u> Net Acres <u>1.08</u>
	<input checked="" type="checkbox"/> Public Subdivision/ <input type="checkbox"/> Private and Gated / <input type="checkbox"/> Private but Not Gated within ETJ: <input type="checkbox"/> Yes/ <input type="checkbox"/> No
	For Fee Purposes: <input checked="" type="checkbox"/> Commercial (<u>1.08</u> Acres)/ <input type="checkbox"/> Residential (<u> </u> Lots) Replat: <input checked="" type="checkbox"/> Yes/ <input type="checkbox"/> No
	Existing Zoning <u>C-3</u> Proposed Zoning <u>C-3</u> Applied for Rezoning <input checked="" type="checkbox"/> No/ <input type="checkbox"/> Yes: Date <u> </u>
	Existing Land Use <u>Open</u> Proposed Land Use <u>COMMERCIAL / CAR LOT</u>
	Irrigation District # <u>1</u> Water CCN: <input type="checkbox"/> MPU/ <input checked="" type="checkbox"/> Sharyland Water SC Other <u> </u>
Agricultural Exemption: <input type="checkbox"/> Yes/ <input checked="" type="checkbox"/> No Parcel # <u>132554</u>	
Estimated Rollback Tax Due <u>NO ACCT. PER CITY TAX OFFICE</u> Tax Dept. Review <u>C1600-00-000-0002-00</u>	
Owner	Name <u>CESAR XAVIER LEAL</u> Phone <u> </u>
	Address <u>2420 NORMA DR.</u> E-mail <u>CXLMOTORS@HOTMAIL.COM</u>
	City <u>MISSION</u> State <u>TX</u> Zip <u>78501</u>
Developer	Name <u>SAME AS OWNER</u> Phone <u> </u>
	Address <u> </u> E-mail <u> </u>
	City <u> </u> State <u> </u> Zip <u> </u>
	Contact Person <u> </u>
Engineer	Name <u>DAVID SALINAS</u> Phone <u>682-9081</u>
	Address <u>2221 DAFFODIL AVE.</u> E-mail <u>dsalinas@salinasengineering.com</u>
	City <u>MISSION</u> State <u>TX</u> Zip <u>78501</u>
	Contact Person <u>DAVID / MICK</u>
Surveyor	Name <u> </u> Phone <u> </u>
	Address <u> </u> E-mail <u> </u>
	City <u> </u> State <u> </u> Zip <u> </u>

RECEIVED
 NOV 15 2024
 By NG

Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

In Person Submittal Requirements

- Application Fee: \$300 + \$25/lot for residential (excluding apartment complexes) or \$400 + \$200 (0-5 acres), \$400 + \$300 (5.01-10 acres), \$400 + \$400 (10 acres or greater) for commercial, industrial, or apartment complexes
- Title Report
- 8 ½" by 11" Original Sealed Survey showing existing structures/easements or 3 blue line copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blue line prints of the proposed plat
- 2 Warranty Deeds (identifying owner on application)
- AutoCAD 2005 DWG file and PDF of plat
- Letter of Authorization from the owner (if applicable)
- Proof of authority of person signing application on behalf of partnership/corporation (if applicable)

Email Submittal Requirements

- Application Fee: \$300 + \$25/lot for residential (excluding apartment complexes) or \$400 + \$200 (0-5 acres), \$400 + \$300 (5.01-10 acres), \$400 + \$400 (10 acres or greater) for commercial, industrial, or apartment complexes
- Title Report
- Sealed Survey
- Location Map
- Plat & Reduced Plat
- Warranty Deed
- DWG File
- Letter of Authorization from the owner (if applicable)
- Proof of authority of person signing application on behalf of partnership/corporation, if applicable

Documents must be submitted in separate PDF files. Each file must be less than 20 MB. No scanned documents

*Submit documents to subdivisions@mcallen.net

ORIGINAL APPLICATION & FEE MUST BE SUBMITTED IN PERSON/VIA MAIL

PLAT TO SHOW:

- Metes and bounds
- Lots numbered with dimensions and area of irregular lots noted Surrounding platted lots and/or lot lines for unsubdivided tracts
- Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- North arrow, scale and vicinity map
- Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission and PDF files can be submitted via email at subdivisions@mcallen.net

Owner(s) Signature(s)

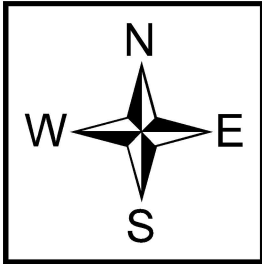
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature  Date 11/15/24

Print Name Dr. D. O. Salinas

Owner Authorized Agent

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion



8

GOLF

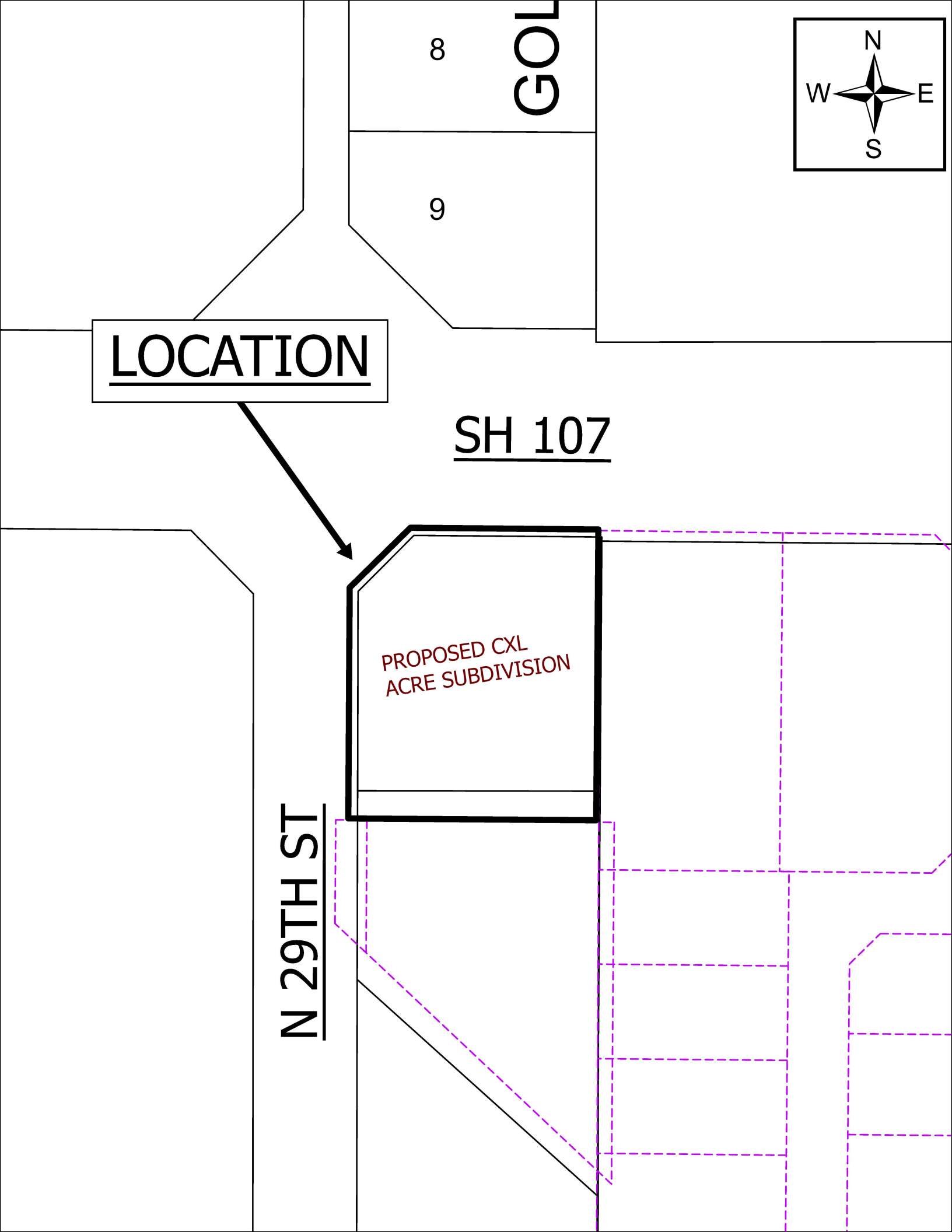
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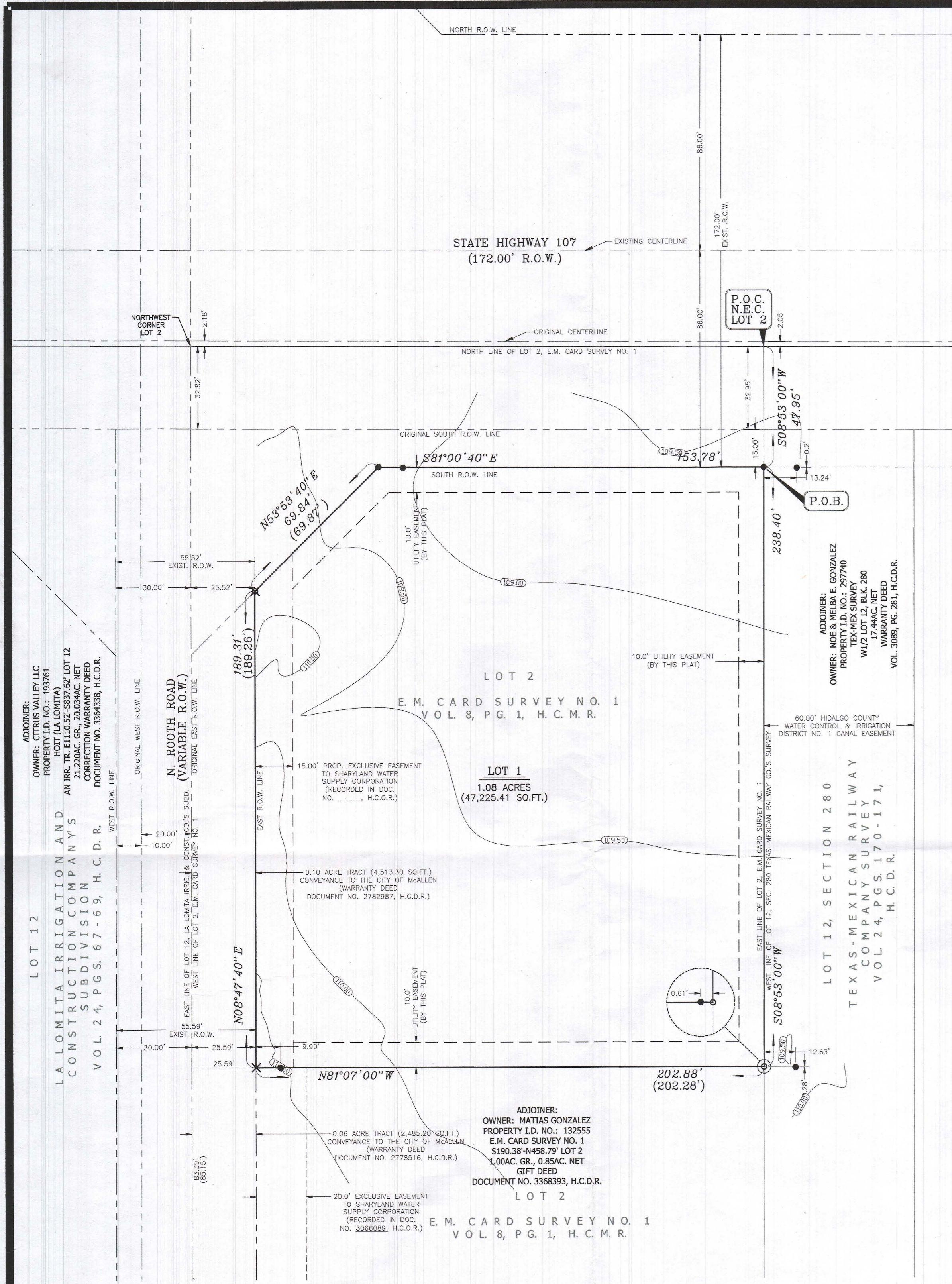
LOCATION

SH 107

PROPOSED CXL
ACRE SUBDIVISION

N 29TH ST





CXL ACRE SUBDIVISION

AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

BEING A 1.08 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOT 2, E.M. CARD SURVEY NO. 1, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 08, PAGE 01, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 1.08 ACRE TRACT OF LAND BEING ALL THOSE SAME LANDS AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN CONVEYANCE FROM CLAUDIO RODRIGUEZ, MARIA MAGDALENA AND MARIO DE LA LUZ RODRIGUEZ UNTO CESAR XAVIER LEAL RECORDED ON AUGUST 13, 2020, AND, RECORDED IN DOCUMENT NO. 3138985, H.C.O.R.;

PRINCIPAL CONTACTS	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:	CESAR XAVIER LEAL	2420 NORMA DRIVE	MISSION, TEXAS 78574	(956) 380-4040	NONE
ENGINEER:	DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 682-1489
ENGINEER:	DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 682-1489
SURVEY:					

SCALE: 1" = 30'

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- ✕ FOUND "X" MARK ON CONCRETE
- R.O.W. RIGHT OF WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- () DENOTES INFORMATION FROM RECORDED DEED

GENERAL PLAT NOTES:

- MINIMUM SETBACK LINES = FRONT: 45.0 FT. OR GREATER FOR EASEMENTS OR IN LINE WITH EXISTING STRUCTURES, WHICHEVER IS GREATER. SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS. REAR: 10.0 FT. OR GREATER FOR EASEMENTS.
- LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "X" (UNSHADED) ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED JUNE 6, 2000, COMMUNITY PANEL NO. 480334 0295 D. ZONE "X" (UNSHADED) DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
- MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THE LOT ALONG NORTH Rooth ROAD.
- MINIMUM 4 FT. WIDE SIDEWALK IS REQUIRED ON NORTH Rooth ROAD.
- THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 1,795.07 CUBIC FEET, OR, 0.27 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
- THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY UTILITY EASEMENTS SHALL BE PROHIBITED.
- 6' OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
- 8' MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, MAY BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 36, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MILE 7 NORTH ROAD AND GLASSCOCK ROAD. IT IS 28 FEET WEST FROM THE CENTERLINE OF GLASSCOCK AND 170 FEET SOUTH FROM THE CENTERLINE OF MILE 7 NORTH ROAD. ELEV. = 149.19. HORIZONTAL DATUM: NAD83 VERTICAL DATUM: NAVD83
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
- ALL SHARYLAND WATER SUPPLY CORPORATION EASEMENTS ARE EXCLUSIVE. NO OTHER USE OF EASEMENT IS PERMITTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF SHARYLAND WATER SUPPLY CORPORATION.

STATE OF TEXAS
UNITED IRRIGATION DISTRICT
THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT
ON THIS THE _____ DAY OF _____, 20____

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

ATTEST: _____ PRESIDENT _____ SECRETARY

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____ INTY, TEXAS
OF MAP RECORDS OF HIDALGO COUNTY

BY: _____ DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS CXL ACRE SUBDIVISION, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: CESAR XAVIER LEAL
2420 NORMA DRIVE
MISSION, TEXAS 78574

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED CESAR XAVIER LEAL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY
OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES: _____

STATE OF TEXAS
CITY OF McALLEN

I, THE UNDERSIGNED, MAYOR OF THE CITY McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR _____ DATE _____

STATE OF TEXAS
CITY OF McALLEN

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN,
PLANNING AND ZONING COMMISSION
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #71973
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782
DATE _____

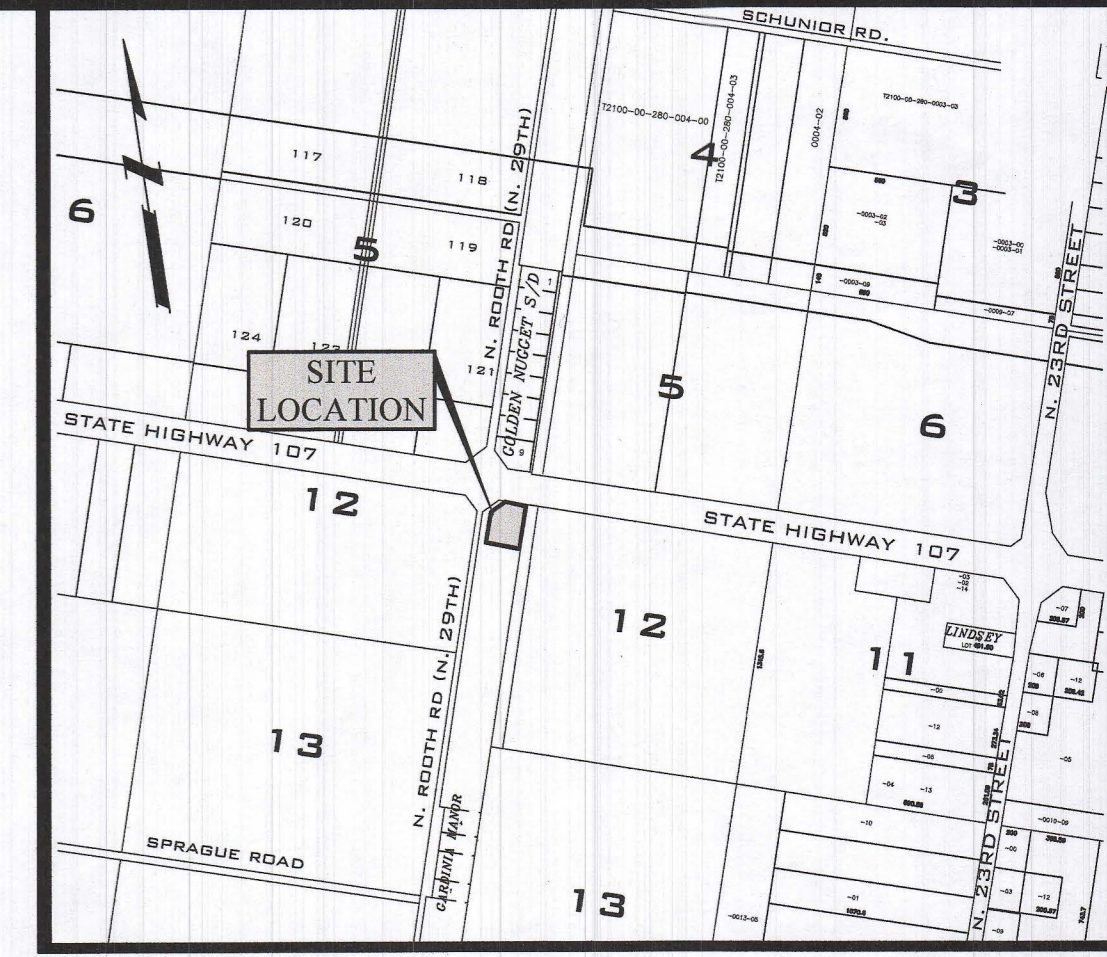
APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER
DATE _____

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON NOVEMBER 15, 2024. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.



LOCATION MAP SCALE: 1" = 1000'

METES AND BOUNDS DESCRIPTION

BEING A 1.08 ACRE TRACT OF LAND, MORE OR LESS, OUT OF AND FORMING A PART OF LOT 2, E.M. CARD SURVEY NO. 1, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 08, PAGE 01, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 1.08 ACRE TRACT OF LAND BEING ALL THOSE SAME LANDS AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN CONVEYANCE FROM CLAUDIO RODRIGUEZ, MARIA MAGDALENA AND MARIO DE LA LUZ RODRIGUEZ UNTO CESAR XAVIER LEAL RECORDED ON AUGUST 13, 2020, AND, RECORDED IN DOCUMENT NO. 3138985, H.C.O.R.; SAID 1.08 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE, AS FOLLOWS:

- SOUTH 08 DEGREES 53 MINUTE WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 2, A DISTANCE OF 47.95 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF S.H. 107 FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 08 DEGREES 53 MINUTE WEST, CONTINUING COINCIDENT WITH THE EAST LINE OF SAID LOT 2, A DISTANCE OF 238.40 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 81 DEGREES 07 MINUTE WEST, A DISTANCE OF 202.88 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF N. 29TH. STREET FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 08 DEGREES 47 MINUTES 40 SECONDS EAST, COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH. STREET, A DISTANCE OF 189.31 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND ON THE BEGINNING OF A CORNER CLIP FOR AN OUTSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 53 DEGREES 53 MINUTES 40 SECONDS EAST, COINCIDENT WITH SAID ROADWAY CORNER CLIP AND BEING WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH. STREET, A DISTANCE OF 69.84 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID S.H. 107 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 81 DEGREES 00 MINUTES 40 SECONDS EAST, COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID S.H. 107, A DISTANCE OF 153.78 FEET TO THE POINT OF BEGINNING, CONTAINING 1.08 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING: SAID WARRANTY DEED WITH VENDOR'S LIEN
N:\SUBDIVISIONPLATS\CXL\SUB\1.08.111124

SHARYLAND APPROVAL:

I, CARLOS LIMA, HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE CXL ACRE SUBDIVISION LOCATED AT McALLEN, IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE SUBDIVISION'S POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DEVELOPER'S DESIGN ENGINEER, ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND ITS DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER SYSTEM IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EXCLUSIVE EASEMENT.

CARLOS LIMA
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION
DATE _____

CXL ACRES SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF REVISION: NOVEMBER 15, 2024
JOB NUMBER: SP-24-26251
OWNER: CESAR XAVIER LEAL
2420 NORMA DRIVE
MISSION, TEXAS 78574

SEA
SALINAS ENGINEERING & ASSOC.
(P-6875) (TBPLS-10065700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 682-1489 (FAX)
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78733 (502) 239-5263

NOV 15 2024



City of McAllen
SUBDIVISION PLAT REVIEW

Reviewed On: 11/22/2024

SUBDIVISION NAME: CXL ACRES SUBDIVISION	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
<p>State Highway 107: 86 ft. from centerline for 172 ft. total existing ROW Paving: by the state Curb & gutter: by the state - Provide how existing ROW was dedicated with document number and provide a copy for staff review, prior to final. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan</p>	Non-compliance
<p>N.29th Street (Rooth Road): Dedication as needed for 50 ft. from centerline for 100 ft. total ROW. Paving: 65 ft. Curb & gutter: Both Sides. - Show centerline on plat to finalize dedication requirements as noted above, prior to final. - Any overlap of ROW dedication and existing easements must be resolved prior to final. - Please provide how existing ROW was dedicated on plat, prior to final. - Please provide a copy of any referenced document regarding existing ROW. - Correct the street name to "N.29th Street (Rooth Road)", prior to final. - Clarify "Variable ROW" label prior to final. Show ROW at multiple points to clarify how it varies prior to final. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan</p>	Non-compliance
<p>Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan</p>	Applied
<p>* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118</p>	Applied
<p>* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118</p>	NA
<p>* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105</p>	NA
ALLEYS	
<p>ROW: 20 ft. Paving: 16 ft. - Engineer must clarify if alley or service drive will be provided, prior to final. Alley or service drive cannot dead-end. - If service drive is proposed a plat note stating a "A minimum 24 ft. private service drive will be established as part of the site plan and must be maintained by the lot owners and not the City of McAllen", prior to final. *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106</p>	Non-compliance

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

SETBACKS	
<p>* Front (State Highway 107/North 29th Street: In accordance with the Zoning Ordinance or greater for approved site plan or easements, or inline with existing structures, whichever is greater applies. - Proposing 45 ft. or greater for easements or or in line with existing structures, whichever is greater. - Engineer must clarify setback, prior to final. **Zoning Ordinance: Section 138-356</p>	Non-compliance
<p>* Rear: In accordance with the Zoning Ordinance or greater for easements or approved site plan, whichever is greater applies. - Proposing 10 ft. or greater for easements. - Engineer must clarify setback, prior to final. **Zoning Ordinance: Section 138-356</p>	Non-compliance
<p>* Sides: In accordance with the Zoning Ordinance or greater for easements or approved site plan , whichever is greater applies. - Proposing 45 ft. or greater for easements or or in line with existing structures, whichever is greater. - Revise side setback as shown above, prior to final. **Zoning Ordinance: Section 138-356</p>	Non-compliance
<p>* Corner: See front setback note - Include a corner setback as shown above, prior to final. **Zoning Ordinance: Section 138-356</p>	Non-compliance
<p>* Garage **Zoning Ordinance: Section 138-356</p>	NA
<p>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</p>	Applied
SIDEWALKS	
<p>* 5 ft. wide minimum sidewalk required along State Highway 107 and a 4 ft. wide minimum sidewalk required along North 29th Street (Rooth Road). - Sidewalk requirements may increase to 5 ft. per Engineering Department, plat note wording to be finalized, prior to final. **Subdivision Ordinance: Section 134-120</p>	Non-compliance
<p>* Perimeter sidewalks must be built or money escrowed if not built at this time.</p>	Required
BUFFERS	
<p>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46</p>	Applied
<p>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46</p>	Applied
<p>*Perimeter buffers must be built at time of Subdivision Improvements.</p>	Required
NOTES	
<p>* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy</p>	TBD
<p>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</p>	Required

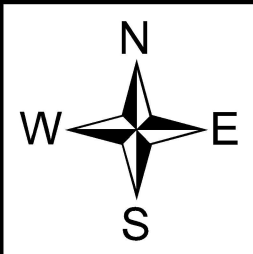
These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

<p>* Common Areas, any private streets/drives, etc. must be maintained by the lot owners and not the City of McAllen. - Include a plat note as shown above wording to be finalized, prior to final.</p> <p>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</p> <p>* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. **Section 110-72 applies if public subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p> <p>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if public subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p>	Non-compliance
	Applied
	NA
	NA
LOT REQUIREMENTS	
<p>* Lots fronting public streets **Subdivision Ordinance: Section 134-1</p> <p>* Minimum lot width and lot area **Zoning Ordinance: Section 138-356</p>	Applied
	Applied
ZONING/CUP	
<p>* Existing:C-3 Proposed: C-3 ***Zoning Ordinance: Article V</p> <p>* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V</p>	Applied
	Applied
PARKS	
<p>* Land dedication in lieu of fee. Commercial developments do not apply to Parks.</p> <p>* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. Commercial developments do not apply to Parks.</p> <p>* Pending review by the City Manager's Office. Commercial developments do not apply to Parks.</p>	NA
	NA
	NA
TRAFFIC	
<p>* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.</p> <p>* Traffic Impact Analysis (TIA) required prior to final plat.</p>	Required
	TBD
COMMENTS	
<p>Comments: - Any abandonments must be done by separate process not by plat, prior to final. *Must comply with City's Access Management Policy.</p>	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO THE CONDITIONS NOTED, DRAINAGE, AND UTILITY APPROVAL.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review



GOLD

8

9

LOCATION

SH 107

**PROPOSED CXL
ACRE SUBDIVISION**

N 29TH ST



City of McAllen Planning Department

SUB 2004-0120

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information	Subdivision Name <u> MATIAS ESTATES </u> Legal Description <u> 0.93 AC. O/O LOT 2, E.M. CARD SURVEY NO. 1, H.C.T. </u> Location <u> +/- 190' S. OF S.H. 107 ALONG E. SIDE OF N. 29TH ST. </u> City Address or Block Number <u> 11600 N. 29TH STREET </u> Total No. of Lots <u> 1 </u> Total Dwelling Units <u> 1 </u> Gross Acres <u> 0.93 </u> Net Acres _____ <input checked="" type="checkbox"/> Public Subdivision / <input type="checkbox"/> Private and Gated / <input type="checkbox"/> Private but Not Gated within ETJ: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No For Fee Purposes: <input type="checkbox"/> Commercial (_____ Acres) / <input checked="" type="checkbox"/> Residential (<u> 1 </u> Lots) Replat: <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> No Existing Zoning <u> R-1/C-3 </u> Proposed Zoning <u> R-1 </u> Applied for Rezoning <input type="checkbox"/> No / <input type="checkbox"/> Yes: Date _____ Existing Land Use <u> OPEN </u> Proposed Land Use <u> RESIDENTIAL </u> Irrigation District # <u> 7:14 </u> Water CCN: <input type="checkbox"/> MPU / <input checked="" type="checkbox"/> Sharyland Water SC Other _____ Agricultural Exemption: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No Parcel # <u> 132555 </u> Estimated Rollback Tax Due <u> 0⁰⁰ </u> Tax Dept. Review <u> C1600-00-00 - 0002-01 </u>
Owner	Name <u> MATIAS GONZALEZ </u> Phone <u> 956-431-2448 </u> Address <u> 2404 GALVESTON </u> E-mail _____ City <u> MCALLEN </u> State <u> TX </u> Zip <u> 78501 </u>
Developer	Name <u> SAME AS OWNER </u> Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____ Contact Person _____
Engineer	Name <u> David Salinas </u> Phone <u> 682-9081 </u> Address <u> 2221 DAFFODIL </u> E-mail <u> dsalinas@salinas-engineering.com </u> City <u> MCALLEN </u> State <u> TX </u> Zip <u> 78501 </u> Contact Person <u> David/Mick </u>
Surveyor	Name <u> SAME AS SURVEYOR </u> Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____

RECEIVED

NOV 15 2024

By NG

Proposed Plat Submittal

Minimum Developer's Requirements Submitted with Application

In Person Submittal Requirements

- Application Fee: \$300 + \$25/lot **for residential** (excluding apartment complexes) or \$400 + \$200 (0-5 acres), \$400 + \$300 (5.01-10 acres), \$400 + \$400 (10 acres or greater) **for commercial, industrial, or apartment complexes**
- Title Report
- 8 ½" by 11" Original Sealed Survey showing existing structures/easements or 3 blue-line copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blue-line prints of the proposed plat
- 2 Warranty Deeds (identifying owner on application)
- AutoCAD 2005 DWG file and PDF of plat
- Letter of Authorization from the owner (if applicable)
- Proof of authority of person signing application on behalf of partnership/corporation (if applicable)

Email Submittal Requirements

- Application Fee: \$300 + \$25/lot **for residential** (excluding apartment complexes) or \$400 + \$200 (0-5 acres), \$400 + \$300 (5.01-10 acres), \$400 + \$400 (10 acres or greater) **for commercial, industrial, or apartment complexes**
- Title Report
- Sealed Survey
- Location Map
- Plat & Reduced Plat
- Warranty Deed
- DWG File
- Letter of Authorization from the owner (if applicable)
- Proof of authority of person signing application on behalf of partnership/corporation, if applicable

Documents must be submitted in separate PDF files. Each file must be less than 20 MB. No scanned documents

*Submit documents to subdivisions@mcallen.net

ORIGINAL APPLICATION & FEE MUST BE SUBMITTED IN PERSON/VIA MAIL

PLAT TO SHOW:

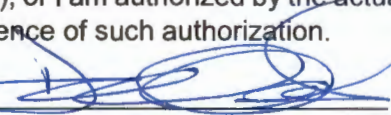
- Metes and bounds
- Lots numbered with dimensions and area of irregular lots noted Surrounding platted lots and/or lot lines for unsubdivided tracts
- Name and address of owner, lienholder, developer, engineer and surveyor shown along with signature lines
- North arrow, scale and vicinity map
- Name & dimension of adjoining street ROWs (total width & width from centerline)

Note: Though the original submittal for application to process a subdivision plat does not require the drainage report or utility plans, it is advisable that they be included with the original submittal to expedite the review process. Complying with the minimum requirements for the original plat submittal does not constitute meeting the deadline for drainage and utility review by the appropriate boards. Additional information will be required during the review to properly complete the subdivision process. Any revisions would require resubmission and PDF files can be submitted via email at subdivisions@mcallen.net

Owner(s) Signature(s)

I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature



Date

11/15/24

Print Name

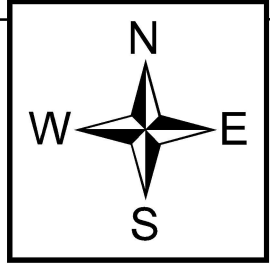
David Salinas

Owner

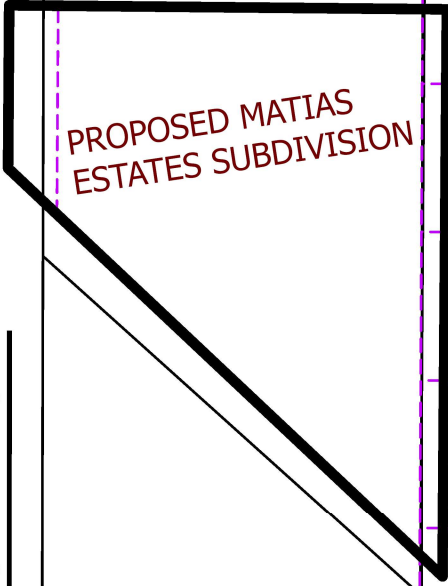
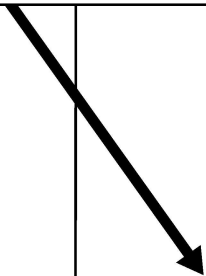
Authorized Agent

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

SH 107



LOCATION



PROPOSED MATIAS
ESTATES SUBDIVISION

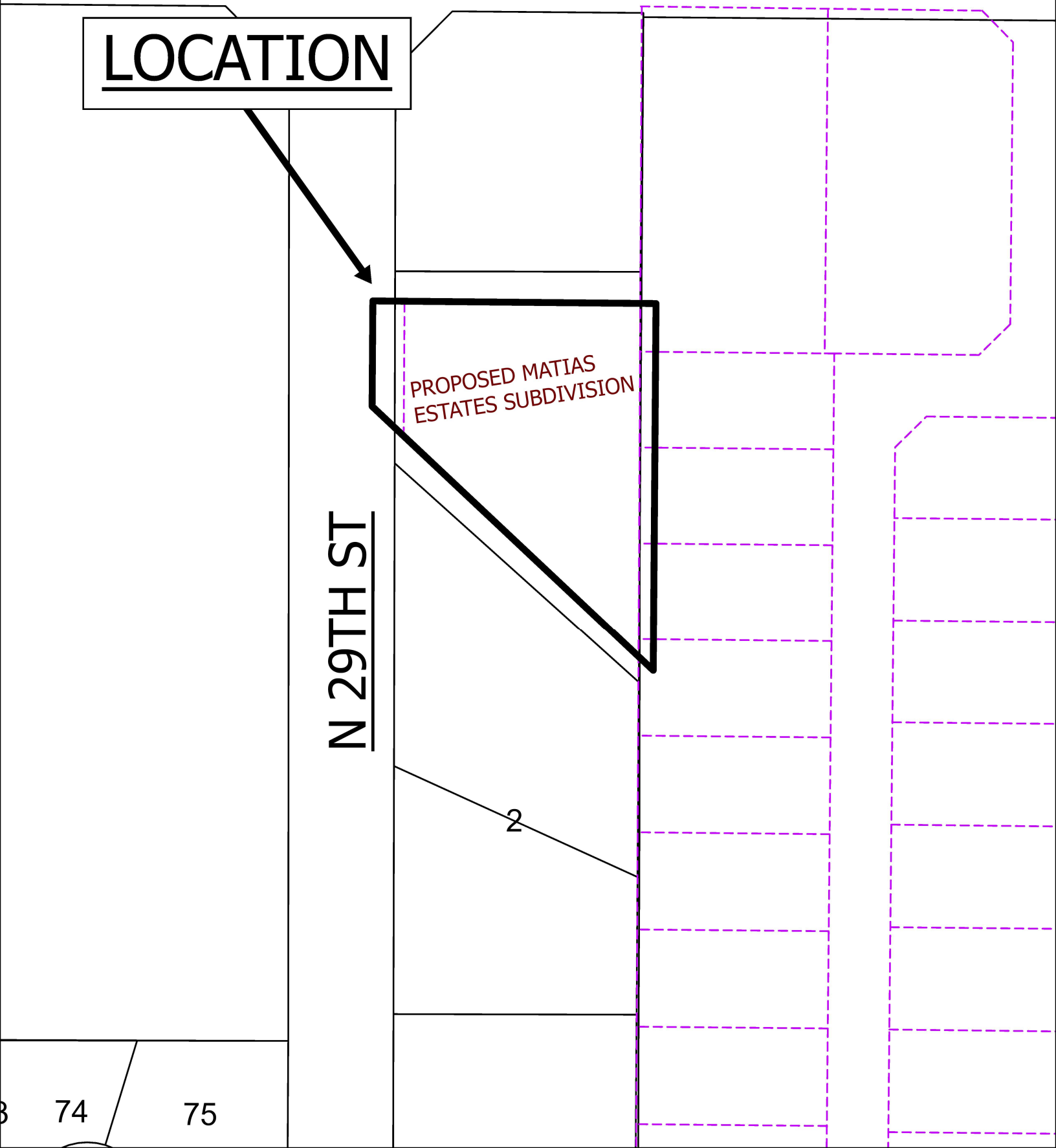
N 29TH ST

2

74

75

3



STATE HIGHWAY 107
(172.00' R.O.W.)

MATIAS ESTATES SUBDIVISION

AN ADDITION TO THE CITY OF McALLEN,
HIDALGO COUNTY, TEXAS

BEING A 0.93 ACRE TRACT OF LAND, MORE OR LESS, LOCATED EAST OF AND ADJACENT TO THE EAST RIGHT-OF-WAY LINE OF N. Rooth Road (AKA N. 29TH STREET) IN McALLEN, HIDALGO COUNTY TEXAS, CARVED OUT OF THAT CERTAIN ORIGINAL 1.0 ACRE TRACT CONVEYED TO MATIAS GONZALEZ (DOC. NO. 2773194, H.C.O.R.) OUT OF LOT 2, E.M. CARD SURVEY NO. 1, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 08, PAGE 01, MAP RECORDS OF HIDALGO COUNTY, TEXAS;

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- ⊗ FOUND "X" MARK ON CONCRETE
- R.O.W. RIGHT OF WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- () DENOTES INFORMATION FROM RECORDED DEED

SCALE: 1" = 30'

GENERAL PLAT NOTES:

- MINIMUM SETBACK LINES = FRONT: 45.0 FT. OR IN LINE WITH THE AVERAGE SETBACKS OF EXISTING STRUCTURES, OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.
SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
REAR: 10.0 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18.0 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
- LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "X" (UNSHADED) ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED JUNE 6, 2000, COMMUNITY PANEL NO. 480334 0295 D. ZONE "X" (UNSHADED) DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
- MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THE LOT ALONG NORTH Rooth ROAD
- MINIMUM 4 FT. WIDE SIDEWALK IS REQUIRED ALONG N. 29TH STREET (Rooth ROAD).
- THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 1,909.25 CUBIC FEET, OR, 0.04 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
- THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY UTILITY EASEMENTS SHALL BE PROHIBITED.
- 6" OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
- 8" MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, MAY BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 36, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MILE 7 NORTH ROAD AND GLASSCOCK ROAD. IT IS 28 FEET WEST FROM THE CENTERLINE OF GLASSCOCK AND 170 FEET SOUTH FROM THE CENTERLINE OF MILE 7 NORTH ROAD. ELEV. = 149.19. HORIZONTAL DATUM: NAD83 VERTICAL DATUM: NAVD83
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT. DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
- ALL SHARYLAND WATER SUPPLY CORPORATION EASEMENTS ARE EXCLUSIVE. NO OTHER USE OF EASEMENT IS PERMITTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF SHARYLAND WATER SUPPLY CORPORATION.
- NO RESIDENTIAL DWELLING SHALL BE PERMITTED IN ZONE C-3.

STATE OF TEXAS
UNITED IRRIGATION DISTRICT
THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT
ON THIS THE _____ DAY OF _____, 20____

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

ATTEST: _____
PRESIDENT SECRETARY

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS MATIAS ESTATES SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: MATIAS GONZALEZ
2404 GALVESTON AVE.
McALLEN, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MATIAS GONZALEZ, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY
OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES: _____

STATE OF TEXAS
CITY OF McALLEN

I, THE UNDERSIGNED, MAYOR OF THE CITY McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR DATE

STATE OF TEXAS
CITY OF McALLEN

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN,
PLANNING AND ZONING COMMISSION

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #71973 DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

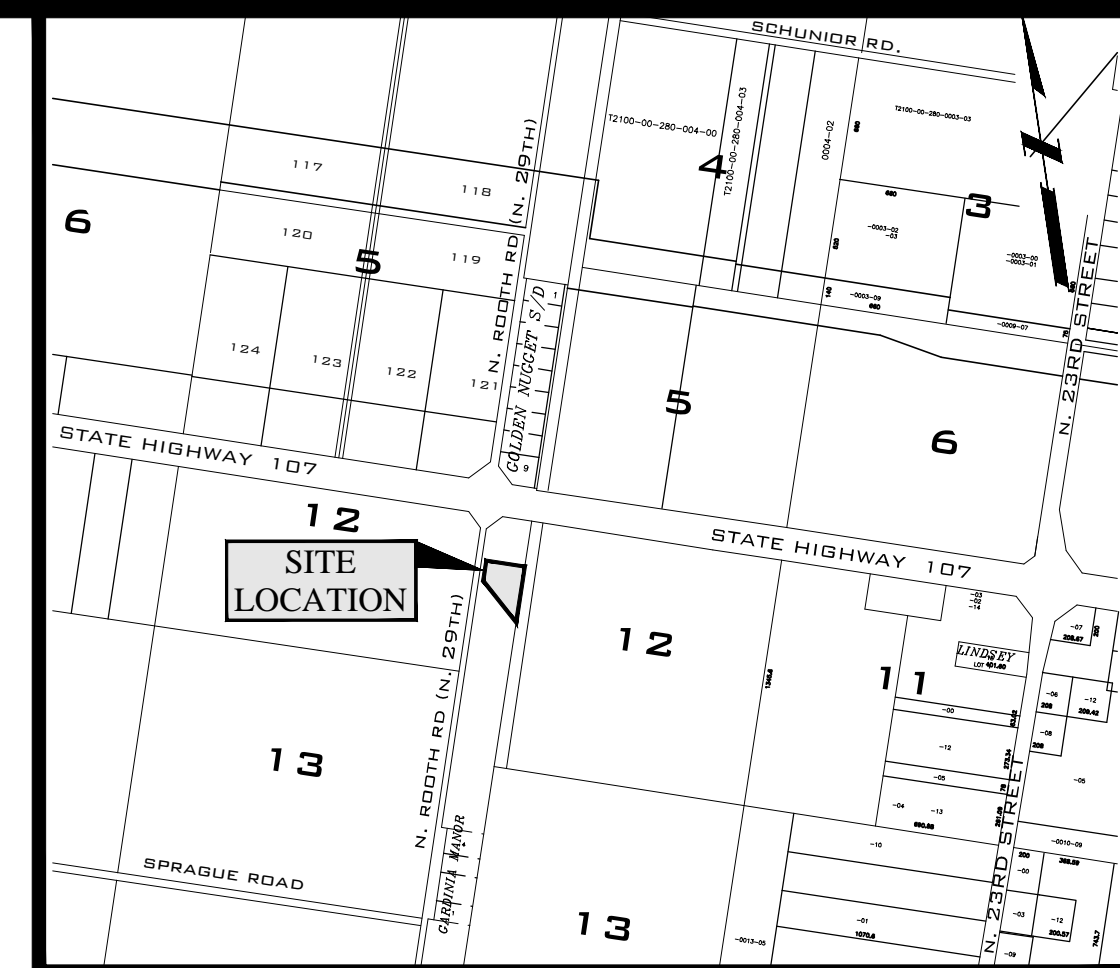
DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782 DATE

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER DATE



LOCATION MAP SCALE: 1" = 1000'

METES AND BOUNDS DESCRIPTION

BEING A 0.93 ACRE TRACT OF LAND, MORE OR LESS, LOCATED EAST OF AND ADJACENT TO THE EAST RIGHT-OF-WAY LINE OF N. Rooth Road (AKA N. 29TH STREET) IN McALLEN, HIDALGO COUNTY TEXAS, CARVED OUT OF THAT CERTAIN ORIGINAL 1.0 ACRE TRACT CONVEYED TO MATIAS GONZALEZ (DOC. NO. 2773194, H.C.O.R.) OUT OF LOT 2, E.M. CARD SURVEY NO. 1, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 08, PAGE 01, MAP RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.93 ACRE TRACT IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF A RIGHT-OF-WAY CORNER CLIP LOCATED ALONG THE SOUTH SIDE OF S.H. 107; THENCE, AS FOLLOWS:
SOUTH 53 DEGREES 53 MINUTES 40 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY CORNER CLIP, A DISTANCE OF 69.84 FEET TO A 1/2 INCH DIAMETER IRON ROD FOUND AT THE END OF SAID CORNER CLIP AND LOCATED ON INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF N. 29TH STREET (AKA Rooth ROAD), AND, THENCE, SOUTH 08 DEGREES 47 MINUTES 40 SECONDS WEST, COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH STREET, A DISTANCE OF 189.31 FEET TO AN "X" MARK FOUND ON THE NORTHWEST CORNER OF SAID 1.0 ACRE TRACT ON A CONCRETE SIDEWALK FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

- THENCE, SOUTH 81 DEGREES 07 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID 1.0 ACRE TRACT, A DISTANCE OF 202.88 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF SAID 1.0 ACRE TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 08 DEGREES 53 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID 1.0 ACRE TRACT, A DISTANCE OF 294.50 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH STREET FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 38 DEGREES 22 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID 1.0 ACRE TRACT, A DISTANCE OF 276.06 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH STREET FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 08 DEGREES 47 MINUTES 40 SECONDS EAST, COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF SAID N. 29TH STREET, A DISTANCE OF 107.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.93 ACRES OF LAND, MORE OR LESS.

BASES OF BEARING: Warranty Deed with Vendor's Lien Vol. 938, Pg. 236, H.C.D.R. N:\SUBDIVISION\PLATS\MATIAS\ESTATES.SUB\08.03.110824

SHARYLAND APPROVAL:
I, CARLOS LIMA, HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE MATIAS ESTATES SUBDIVISION LOCATED AT McALLEN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE SUBDIVISION'S POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DEVELOPER'S DESIGN ENGINEER. ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND ITS DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER SYSTEM IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EXCLUSIVE EASEMENT.

CARLOS LIMA
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION DATE

MATIAS ESTATES SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF REVISION: NOVEMBER 08, 2024
JOB NUMBER: SP-22-25823
OWNER: MATIAS GONZALEZ
2404 GALVESTON AVE.
McALLEN, TEXAS 78501

SEA
SALINAS ENGINEERING & ASSOC.
(P-6675) (TBPLS-10065700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL McALLEN, TEXAS 78501
(956) 682-9081 (956) 682-1489 (FAX)
1BPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78753 (512) 239-5263

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: MATIAS GONZALEZ	2404 GALVESTON AVE.	McALLEN, TEXAS 78501	(956) 313-6801	NONE
ENGINEER: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489

RECORDS: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON NOVEMBER 08, 2024. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.



City of McAllen
SUBDIVISION PLAT REVIEW

Reviewed On: 11/25/2024

SUBDIVISION NAME: MATIAS ESTATES	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
<p>N.29th Street (Rooth Road): Dedication as needed for 50 ft. from centerline for 100 ft. total ROW. Paving:65 ft. Curb & gutter: Both Sides. Revisions needed: - There are some dimensions provided along N. 29th street that need to be clarified. (i.e. dimension for 20 ft. & 10 ft. that are free floating on the West) - Need to label the Total R.O.W. after any dedication prior to final. - Need to clearly show location of the centerline (C.L.) on the plat to finalize dedication requirements as noted above prior to final. - Any overlap of R.O.W. dedication and existing easements must be resolved prior to final. **There is an encroaching easement inside the dedication of R.O.W. Please clarify prior to final **Need to determine if the easements along the dedicated R.O.W. will need to be relocated. - Abandonment of easements cannot be done by plat, must be done by a separate instrument. - Need to provide a copy of all Easements/R.O.W. documents for staff review prior to final. ***Subdivision Ordinance: Section 134-105 ***Monies must be escrowed if improvements are required prior to recording ***COM Thoroughfare Plan</p>	Non-compliance
<p>Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan</p>	NA
<p>* 1,200 ft. Block Length. **Subdivision Ordinance: Section 134-118</p>	Compliance
<p>* 900 ft. Block Length for R-3 Zone Districts. **Subdivision Ordinance: Section 134-118</p>	NA
<p>* 600 ft. Maximum Cul-de-Sac. **Subdivision Ordinance: Section 134-105</p>	NA
ALLEYS	
<p>R.O.W.: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106</p>	NA
SETBACKS	
<p>Front : 45 ft. or in line with average setbacks of existing structures, or greater for easements, whichever is greater applies. ***Zoning Ordinance: Section 138-356</p>	Applied
<p>Rear:10 ft. or greater for easements. **Zoning Ordinance: Section 138-356</p>	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

<p>Sides: In accordance with the zoning ordinance or greater for easements.. *****Zoning Ordinance: Section 138-356</p> <p>Corner: Setback does not apply to Interior Lot. ***Zoning Ordinance: Section 138-356</p> <p>Garage: 18 ft. except where greater setbacks is required; greater setback applies. **Zoning Ordinance: Section 138-356</p> <p>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</p>	Applied
	NA
	Applied
	Applied
SIDEWALKS	
<p>4 ft. wide minimum sidewalk required along N.29th Street (Rooth Road). **Sidewalks are subject to increase to 5 ft. as per Engineering Department requirements, prior to final. ***Subdivision Ordinance: Section 134-120</p> <p>* Perimeter sidewalks must be built or money escrowed if not built at this time.</p>	Applied
	Required
BUFFERS	
<p>6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. -Revise note as shown above prior to final. ***Landscaping Ordinance: Section 110-46</p>	Applied
<p>8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46</p>	Applied
<p>*Perimeter buffers must be built at time of Subdivision Improvements.</p>	Required
NOTES	
<p>* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy</p>	Applied
<p>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</p>	NA
<p>* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.</p>	Applied
<p>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</p>	NA
<p>Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. **Section 134-168 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p>	NA
<p>Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 134-168 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p>	NA

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

LOT REQUIREMENTS		
Lots fronting public streets. ****Subdivision Ordinance: Section 134-1 * Minimum lot width and lot area. **Zoning Ordinance: Section 138-356	Applied	
	Compliance	
ZONING/CUP		
Existing: R-1 and C-3 Proposed: R-1 - Based on the submitted documents, the north portion of the property is zoned C-3 District. - The engineer needs to verify the portion zoned C-3 District and submit a rezoning application with metes and bounds and survey. The rezoning must be approved by the City Commission prior to final approval. ***Zoning Ordinance: Article V Rezoning Needed Before Final Approval - Based on the submitted documents, the north portion of the property is zoned C-3 District. - The engineer needs to verify the portion zoned C-3 District and submit a rezoning application with metes and bounds and survey. The rezoning must be approved by the City Commission prior to final approval. ***Zoning Ordinance: Article V	Non-compliance	
	Non-compliance	
PARKS		
* Land dedication in lieu of fee. * Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, In accordance with McAllen's Park Land Dedication and Park Development Fees Ordinance, Park fees apply at a rate of \$700 per dwelling unit and payable prior to plat recording. If it's only one single family home then the fee is \$700. * Pending review by the Parkland Dedication Advisory Board and CC.	NA	
	Required	
	Required	
TRAFFIC		
* As per Traffic Department, Trip Generation for 1 lot subdivision will be waived. Traffic Impact Analysis (TIA) required prior to final plat. ** As per Traffic Department, Trip Generation for 1 lot subdivision will be waived.	Completed	
	NA	
COMMENTS		
Comments: - Dimensions on the survey and plat don't match. Clarify the discrepancy, review and revised as applicable prior to final. - Need to remove the Zone C-3 and Zone R-1 line that is being shown on the plat, this is not required as part of the plat process. - Please remove plat note #13, as City of McAllen does not require notes such as this. - Need to provide an updated M+B & survey for staff review prior to final. - Notary signature references signature date for Year 2023. Needs to be for that current year. - Please update the parcel map on the location map. - Revise all street references to N. 29th Street (Rooth Road) on plat prior to final. **This is a resubmittal of a plat previously processed but not recorded, owing to the fact that the previous plat exceeded the 6-month requested extension. *Must comply with City's Access Management Policy.	Non-compliance	

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

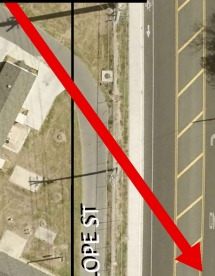
RECOMMENDATION	
RECOMMENDATION: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO THE CONDITIONS NOTED, DRAINAGE & UTILITIES APPROVAL.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

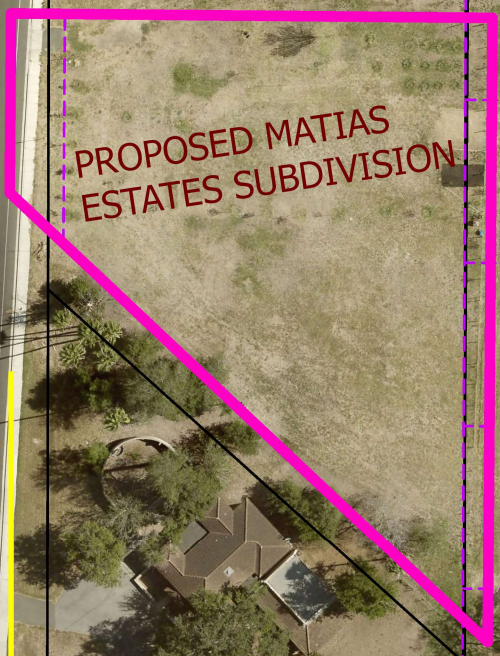
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LOCATION

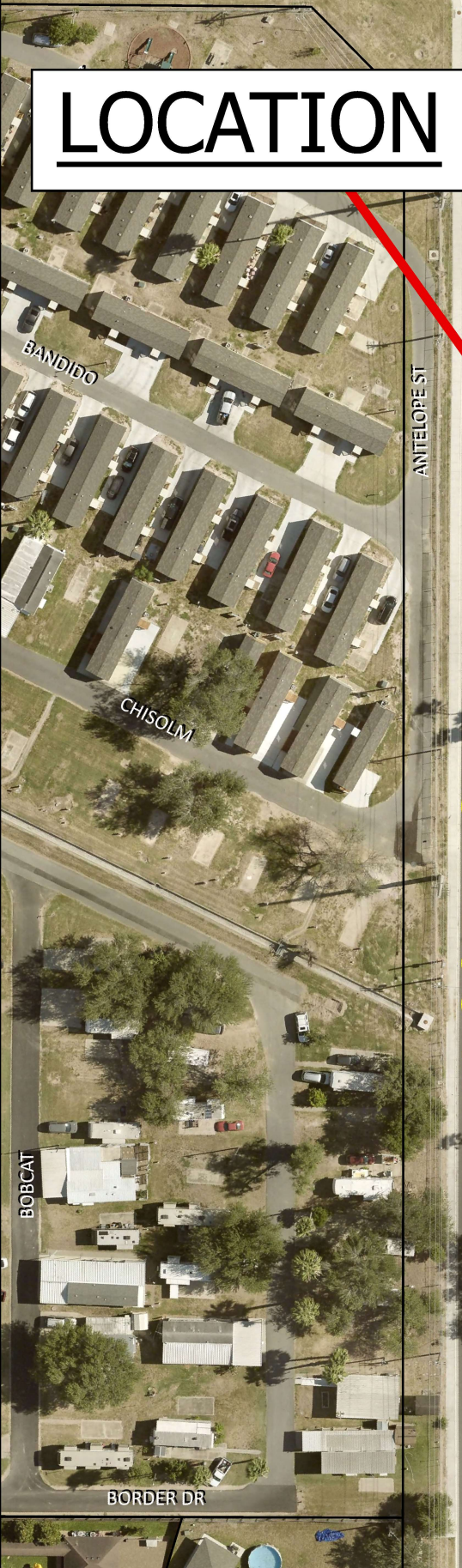


N 29TH ST



PROPOSED MATIAS
ESTATES SUBDIVISION

2



SUB 2024-0124



City of McAllen Planning Department

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information	Subdivision Name <u>TREVINO SUBDIVISION</u>	
	Legal Description <u>A 2.88 TRACT OF LAND OUT OF LOT 78, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 24, PAGE 68, DEED RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS</u>	
	Location <u>4212 LARK AVE, MCALLEN, TX</u>	
	City Address or Block Number <u>4212 Lark Avenue</u>	
	Total No. of Lots <u>1</u> Total Dwelling Units <u>1</u> Gross Acres <u>2.88</u> Net Acres <u>2.80</u>	
	<input checked="" type="checkbox"/> Public Subdivision / <input type="checkbox"/> Private and Gated / <input type="checkbox"/> Private but Not Gated within ETJ: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	
	For Fee Purposes: <input type="checkbox"/> Commercial (<u> </u> Acres) / <input checked="" type="checkbox"/> Residential (<u>1</u> Lots) Replat: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No	
	Existing Zoning <u>R-1</u> Proposed Zoning <u>R-1</u> Applied for Rezoning <input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes: Date <u> </u>	
	Existing Land Use <u>VACANT</u> Proposed Land Use <u>RESIDENTIAL LOT</u>	
	Irrigation District # <u>1</u> Water CCN: <input checked="" type="checkbox"/> MPU / <input type="checkbox"/> Sharyland Water SC Other <u> </u>	
Agricultural Exemption: <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No Parcel # <u>210 692</u> <u>EP</u>		
Estimated Rollback Tax Due <u>2,038.70</u> Tax Dept. Review <u>UPG</u>		
Owner	Name <u>MARIA S. SANDOVAL</u> Phone <u> </u>	
	Address <u>3528 BUDDY OWENS BLVD</u> E-mail <u> </u>	
	City <u>MCALLEN</u> State <u>TX</u> Zip <u>78504</u>	
Developer	Name <u>MARIA S. SANDOVAL</u> Phone <u> </u>	
	Address <u>3528 BUDDY OWENS BLVD</u> E-mail <u> </u>	
	City <u>MCALLEN</u> State <u>TX</u> Zip <u>78504</u>	
	Contact Person <u> </u>	
Engineer	Name <u>IVAN GARCIA P.E., R.P.L.S.</u> Phone <u>(956) 380-5152</u>	
	Address <u>921 S 10TH AVE</u> E-mail <u>EDINBURG@RIODELTAENGINEERING.COM</u>	
	City <u>EDINBURG</u> State <u>TX</u> Zip <u>78539</u>	
	Contact Person <u> </u>	
Surveyor	Name <u>IVAN GARCIA P.E., R.P.L.S.</u> Phone <u>(956) 380-5152</u>	
	Address <u>921 S 10TH AVE</u> E-mail <u>EDINBURG@RIODELTAENGINEERING.COM</u>	
	City <u>EDINBURG</u> State <u>TX</u> Zip <u>78539</u>	
	Contact Person <u> </u>	

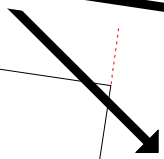
KF

NOV 12 2024

BY: CW



LOCATION



FDA RANCH SUBD

LYM SUBDIVISION

RETANA ACRES SUBDIVISION

**PROPOSED TREVINO
SUBDIVISION**

R.C. ACRES SUBD

BENTSEN RD

41ST LN

V & L ESTATES SUBD

LARK AVE

L & B
SUBD

MENDEZ-LARA
SUBDIVISION

J&R
SUBDIVISION

N 42ND ST

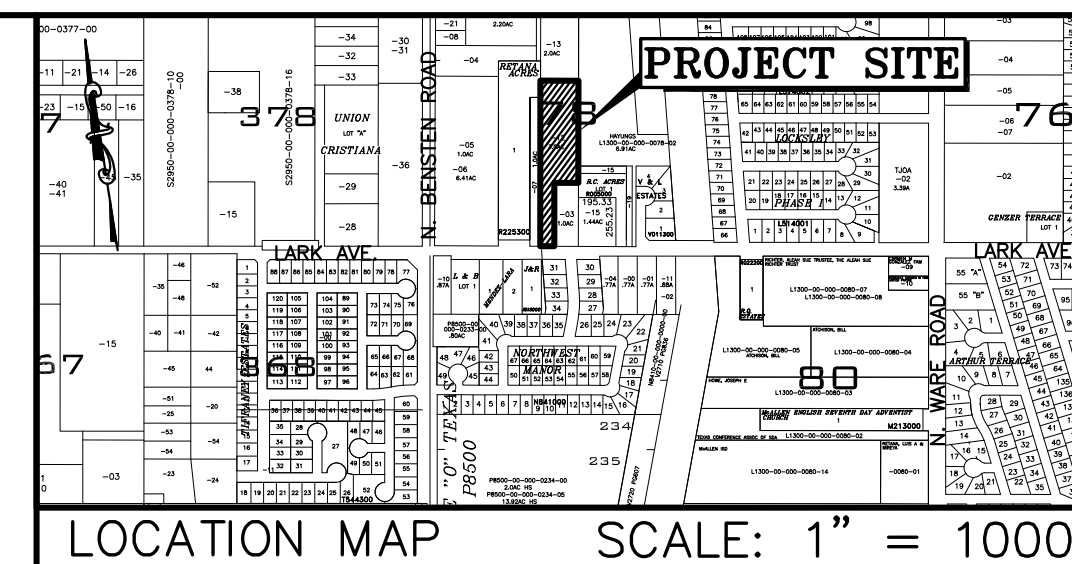
NORTHWEST LN

KIWI AVE

PROPOSED ELK SUBDIVISION

TREVINO SUBDIVISION

BEING 2.88 ACRES TRACT OF LAND SITUATED HIDALGO COUNTY, TEXAS, SAID 2.88 ACRES BEING OUT OF LOT 78, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, RECORDED IN VOLUME 24, PAGE 67, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAID 2.88 ACRES TRACT OF LAND BEING CONVEYED TO MARIA S. SANDOVAL BY VIRTUE OF A GENERAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 3404822, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS



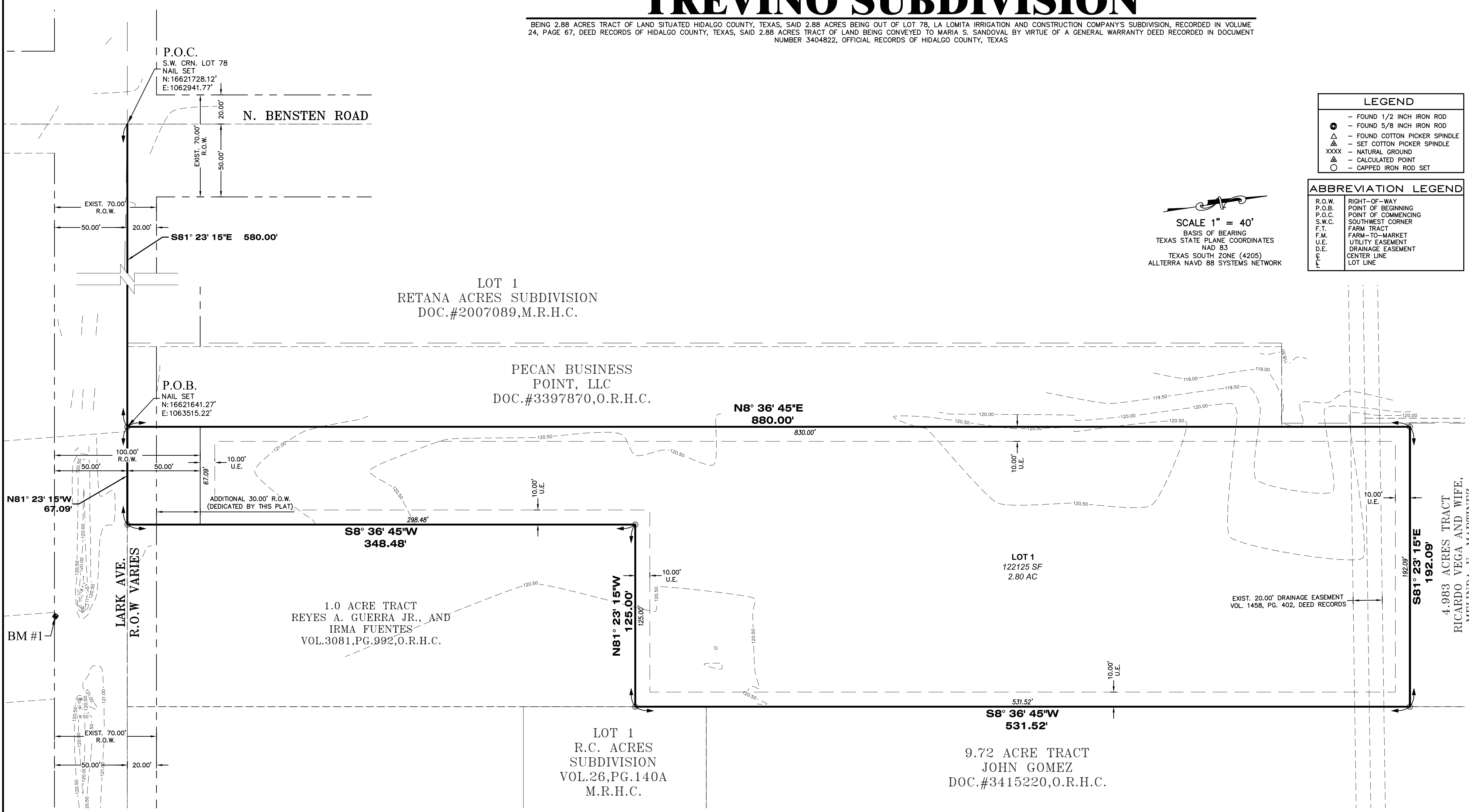
LEGEND

- FOUND 1/2 INCH IRON ROD
- FOUND 5/8 INCH IRON ROD
- ▲ FOUND COTTON PICKER SPINDLE
- △ SET COTTON PICKER SPINDLE
- XXX NATURAL GROUND
- CALCULATED POINT
- CAPPED IRON ROD SET

ABBREVIATION LEGEND

- R.O.W. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- S.W.C. SOUTHWEST CORNER
- F.T. FARM TRACT
- F.M. FARM-TO-MARKET
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- C.L. CENTER LINE
- L.O.L. LOT LINE

SCALE 1" = 40'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
ALL TERRA NAVD 88 SYSTEMS NETWORK



METES AND BOUNDS DESCRIPTION

BEING 2.88 ACRES TRACT OF LAND SITUATED HIDALGO COUNTY, TEXAS, SAID 2.88 ACRES BEING OUT OF LOT 78, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, RECORDED IN VOLUME 24, PAGE 67, DEED RECORDS OF HIDALGO COUNTY, TEXAS, SAID 2.88 ACRES TRACT OF LAND BEING CONVEYED TO MARIA S. SANDOVAL BY VIRTUE OF A GENERAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 3404822, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, SAID 2.88 ACRES TRACT OF LAND BEING PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING ON A NAIL SET AT THE SOUTHWEST CORNER OF SAID LOT 78, SAME BEING THE POINT OF INTERSECTION BETWEEN LARK AVENUE AND N BENSTEN ROAD;

THENCE, S 81° 23' 15" E ALONG THE SOUTH LINE OF THE SAID LOT 78, SAME BEING ALONG THE CENTERLINE OF LARK AVENUE, TO THE SOUTHEAST CORNER OF A 1.0-ACRE TRACT OF LAND CONVEYED TO PECAN BUSINESS POINT, LLC, RECORDED IN DOCUMENT NUMBER 3397870, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 580.00 FEET TO A NAIL SET AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 08° 36' 45" E ACROSS LOT 78, SAME BEING IN PART ALONG THE EAST BOUNDARY LINE OF THE SAID 1.0-ACRE TRACT OF LAND, AND THE EAST BOUNDARY LINE OF RETANA ACRES SUBDIVISION RECORDED IN DOCUMENT NUMBER 2007089, MAP RECORDS OF HIDALGO COUNTY, TEXAS, TO A CORNER POINT OF A 4.983-ACRE TRACT OF LAND CONVEYED TO RICARDO VEGA AND WIFE, MELINDA V. MARTINEZ, RECORDED IN DOCUMENT NUMBER 2597299, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, PASSING AT A DISTANCE OF 20.00 FEET A 1/2-INCH IRON ROD FOUND AT THE EXISTING NORTH RIGHT-OF-WAY LINE OF LARK AVENUE, AND CONTINUING A TOTAL DISTANCE OF 880.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81° 23' 15" E ACROSS THE SAID LOT 78, SAME BEING ALONG THE SOUTH BOUNDARY LINE OF THE SAID 4.983-ACRE TRACT, TO THE SOUTHEAST CORNER OF THE SAID 4.983-ACRE TRACT, SAME BEING A POINT ON THE WEST BOUNDARY LINE OF A CALLED 9.72 ACRES TRACT OF LAND CONVEYED TO JOHN GOMEZ, RECORDED IN DOCUMENT NUMBER 3415220, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 192.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 08° 36' 45" W ACROSS THE SAID LOT 78, SAME BEING ALONG THE WEST BOUNDARY LINE OF THE SAID 9.72-ACRE TRACT, TO THE NORTHEAST CORNER OF A CALLED 1.0-ACRE TRACT CONVEYED TO REYES A. GUERRA JR., AND IRMA FUENTES, RECORDED IN VOLUME 3081, PAGE 992, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 348.48 FEET TO A 1/2-INCH CAPPED IRON ROD SET FOR THE NORTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81° 23' 15" W ACROSS THE SAID LOT 78, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID 1.0-ACRE TRACT, A GUERRA JR., AND IRMA FUENTES TRACT, A DISTANCE OF 125.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 08° 36' 45" W ACROSS THE SAID LOT 78, SAME BEING ALONG THE WEST BOUNDARY LINE OF THE SAID 1.0-ACRE TRACT, A GUERRA JR., AND IRMA FUENTES TRACT, PASSING AT A DISTANCE OF 328.48 FEET A 1/2-INCH IRON ROD FOUND AT THE EXISTING NORTH RIGHT-OF-WAY LINE OF LARK AVENUE AND CONTINUING A TOTAL DISTANCE OF 348.48 FEET TO A NAIL SET FOR THE SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81° 23' 15" W ALONG THE SOUTH LINE OF THE SAID LOT 78, SAME BEING ALONG THE CENTERLINE OF LARK AVENUE, A DISTANCE OF 67.09 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 2.88 ACRES OF LAND, MORE OR LESS.

- GENERAL PLAT NOTES:**
- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
 - MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT: 10 FT. OR GREATER FOR EASEMENTS.
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENT.
INTERIOR SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENT.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
 - THE SUBDIVISION IS IN ZONE "C" (NON-SHADED), AREAS DETERMINED OF MINIMAL FLOODING, (NO SHADING) MAP COMMUNITY PANELS NO.: 480334 0400 C MAP REVISED: NOVEMBER 16, 1982.
 - DRAINAGE DETENTION OF _____ OF OR _____ ACRE FEET IS REQUIRED FOR THIS SUBDIVISION, CURRENT RUNOFF WILL BE DETAILED IN THE EXISTING HIDALGO COUNTY DRAINAGE DISTRICT NO.1 MISSION-MCALLEN LATERAN DRAIN DITCH.
 - EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
 - THE CITY OF MCALLEN TO HAVE A 10'X10' SIGHT OBSTRUCTION EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
 - CITY OF MCALLEN BENCHMARK (MC47) A 30" ALUMINUM PIPE WITH A 3X BRASS MONUMENT CAP ON TOP, LOCATED APPROXIMATELY 29 FEET EAST FROM NORTH TAYLOR ROAD AND 650 FEET NORTH OF MILE 5, NORTHING:1061100.60350 EASTING:16628009.54221 ELEV.=140.02
 - 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES AND ALONG LA LOMITA (MILE 6 1/2) ROAD AND BRAZOS AVENUE.
 - 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
 - ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.
 - ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
 - COMMON AREAS FOR COMMERCIAL DEVELOPMENTS PROVIDE FOR COMMON PARKING ACCESS, SETBACKS, LANDSCAPING, ETC.
 - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
 - NO PERMANENT STRUCTURE UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
 - NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
 - DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF MCALLEN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 110-72 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.

OWNER'S ACKNOWLEDGMENT
STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE TREVINO SUBDIVISION, DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENT TO THE CITY OF MCALLEN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS, ALLEYS, AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MCALLEN, AND THE EMPLOYEES OF THE UTILITY OPERATING UNDER FRANCHISE TO THE CITY OF MCALLEN, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. ADDITIONAL PUBLIC RIGHT-OF-WAY FOR MILE 6 1/2 ROAD IS BEING DEDICATED BY THIS PLAT.

MARIA S. SANDOVAL _____ DATE _____
10331 N. 32ND. LANE
MCALLEN, TEXAS 78504

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS _____ DAY OF _____, 2024 SUBJECT TO THE FOLLOWING:
1) NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. NO. 1 RIGHT-OF-WAY EASEMENT WITHOUT THE EXPRESSED WRITTEN PERMISSION.

PRESIDENT

SECRETARY

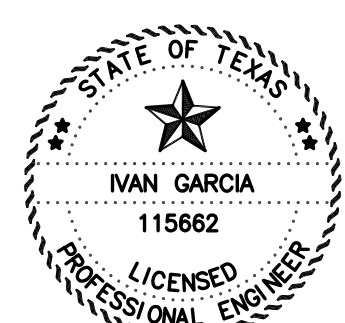
STATE OF TEXAS - COUNTY OF HIDALGO
PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE
I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

PLANNING AND ZONING CHAIR

DATE

STATE OF TEXAS - COUNTY OF HIDALGO
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S. _____ DATE _____
REG. PROFESSIONAL ENGINEER No. 115662



STATE OF TEXAS - COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M. DATE _____
GENERAL MANAGER

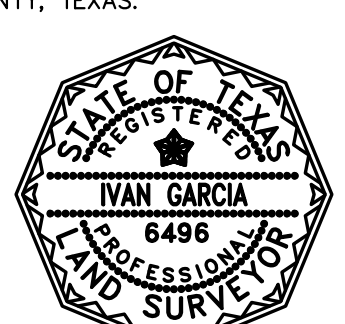
STATE OF TEXAS - COUNTY OF HIDALGO
MAYOR'S CERTIFICATE
I, THE UNDERSIGNED, MAYOR OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR

DATE

STATE OF TEXAS - COUNTY OF HIDALGO
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MCALLEN AND HIDALGO COUNTY, TEXAS.


IVAN GARCIA P.E., R.P.L.S. _____ DATE _____
REG. PROFESSIONAL LAND SURVEYOR No. 6496
SURVEY FIRM No. 10194027



PRINCIPAL CONTACTS:

NAME	ADDRESS	PHONE & FAX
OWNER(S): MARIA S. SANDOVAL	10331 N. 32ND. LANE MCALLEN, TX. 78504	(956) 380-5152 (956) 380-5083
SURVEYOR: IVAN GARCIA	921 S. 10TH AVENUE EDINBURG, TX. 78539	(956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	921 S. 10TH AVENUE EDINBURG, TX. 78539	(956) 380-5152 (956) 380-5083

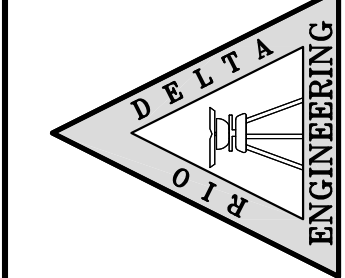
FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK



ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027
921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF IVAN GARCIA, P.E. 115662 ON NOVEMBER 11, 2024. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

ISSUED FOR: **PRELIMINARY**

PLAT SHEET
TREVINO SUBDIVISION
CITY OF MCALLEN
HIDALGO COUNTY, TEXAS

PROJECT: SUB 24 046

ENGINEER: IVAN GARCIA P.E. R.P.L.S.
SURVEYOR: IVAN GARCIA P.E. R.P.L.S.
CHECKED: IVAN GARCIA P.E. R.P.L.S.
DRAWN: _____
SCALE: H.G./ G.F.
DATE: NOVEMBER 11, 2024
PROJECT: SUB 24 046
REVISIONS: _____
PAGE NO. 1-OF-1



City of McAllen
SUBDIVISION PLAT REVIEW

Reviewed On: 11/26/2024

SUBDIVISION NAME: TREVINO

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS

Lark Avenue: ROW dedication as needed for 50 ft. from centerline for total 100 ft. ROW
 Paving: 65 ft. Curb & gutter: both sides
 Revisions needed:
 - Label centerline and show and label the existing ROW and ROW on both sides of the centerline prior to final.
 - Reference the document number for any existing ROW and provide a copy for staff review prior to final.
 - Show and label the ROW dedication from centerline to verify compliance prior to final.
 **Subdivision Ordinance: Section 134-105
 **Monies must be escrowed if improvements are required prior to recording.
 **COM Thoroughfare Plan

Non-compliance

Paving _____ Curb & gutter _____
 **Subdivision Ordinance: Section 134-105
 **Monies must be escrowed if improvements are required prior to final
 **COM Thoroughfare Plan

Applied

* 1,200 ft. Block Length
 **Subdivision Ordinance: Section 134-118
 * 900 ft. Block Length for R-3 Zone Districts
 **Subdivision Ordinance: Section 134-118
 * 600 ft. Maximum Cul-de-Sac
 **Subdivision Ordinance: Section 134-105

Applied

NA

NA

ALLEYS

ROW: 20 ft. Paving: 16 ft.
 *Alley/service drive easement required for commercial properties
 **Subdivision Ordinance: Section 134-106

NA

SETBACKS

* Front: 45 ft. or greater for easements or in line with existing structures, whichever is greater
 - Revise the setback note as shown above prior to final.
 - Proposing: 10 ft. or greater for easements
 ** Based on Sec. 134-106: In residential subdivisions which have lots abutting major or minor arterials or major collectors, the residences on such lots shall not face the major or minor arterial or major collector, unless: There shall be provided, in addition to any front setback, a 20-foot planting area (as defined in chapter 110, article II, Landscaping) between such lot and the major or minor arterial or major collector;
 **Zoning Ordinance: Section 138-356
 * Rear (Proposing): In Accordance with the Zoning Ordinance or greater for easements
 **Zoning Ordinance: Section 138-356
 * Sides (Proposing): In Accordance with the Zoning Ordinance or greater for easements
 **Zoning Ordinance: Section 138-356

Non-compliance

Applied

Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

<p>* Corner (Proposing): 10 ft. or greater for easements - Clarify or remove the corner setback note as the proposed lot is not a corner lot. **Zoning Ordinance: Section 138-356</p> <p>* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356</p> <p>*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN</p>	Non-compliance
	Applied
	Applied
SIDEWALKS	
<p>* 4 ft. wide minimum sidewalk required on Lark Avenue. - Add a plat note as shown above prior to final. **Subdivision Ordinance: Section 134-120</p>	Non-compliance
<p>* Perimeter sidewalks must be built or money escrowed if not built at this time.</p>	Required
BUFFERS	
<p>* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses - Clarify/revise plat note #10 as shown above prior to final. - Proposing: 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses and along La Lomita (Mile 6 1/2) Road and Brazos Avenue. **Landscaping Ordinance: Section 110-46</p>	Non-compliance
<p>* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46</p>	Applied
<p>*Perimeter buffers must be built at time of Subdivision Improvements.</p>	Applied
NOTES	
<p>**Must comply with City Access Management Policy</p>	Applied
<p>* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.</p>	NA
<p>* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.</p>	NA
<p>* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.</p>	NA
<p>* Developer/Homeowner's Association/Owner, their successors and assignees, and not the City of McAllen shall be responsible for compliance of installation and maintenance and other requirements per Section 134-168 of the Subdivision Ordinance, including but not limited to common areas and its private streets. **Section 110-72 applies if public subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p>	NA
<p>* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if public subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168</p>	NA

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area **Zoning Ordinance: Section 138-356	Applied
ZONING/CUP	
* Existing: R-1 Proposed: R-1 ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	NA
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of \$700 per lot/dwelling unit to be paid prior to recording. - As per the submitted application, one single-family lot is proposed. A park fee of \$700 is required prior to recording.	Required
* Pending review by the City Manager's Office.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation for one-lot subdivision is waived.	Applied
* Traffic Impact Analysis (TIA) required prior to final plat.	NA
COMMENTS	
<p>Comments:</p> <ul style="list-style-type: none"> - There is an existing subdivision in City of McAllen under the name of "Trevino Subdivision." Revise the name of the subdivision on the originally submitted application and plat prior to final. - Clarify the discrepancy between the subdivision dimension on the survey and plat prior to final. - Clarify the 5.91 ft. of deed overlap labeled on the survey along the west side of the property prior to final. - Clarify/remove plat notes #6, #14, and #18 prior to final. - Clarify/revise plat note #13 referencing United Irrigation District prior to final. The submitted application mentions that the subject property is within Irrigation District No. 1. - Clarify the three dashed lines shown for the existing 20 ft. drainage easement prior to final. - Clarify the unlabeled dashed lines outside this subdivision boundary prior to final. If any existing easements are shown, add the document number prior to final. - It seems that some lot lines outside this subdivision are shown with solid lines and some with dashed lines. Clarify and use a consistent method , i.e. solid line, to show all lot lines prior to final. - Legal Description of all adjacent lots on all sides, including the lots on the south side of Lark, is needed prior to final. - Provide an ownership map for the surrounding lots prior to final to make sure no parcel will be landlocked if this property is platted. - All signature blocks must comply with Section 134-61 of the subdivision ordinance prior to recording. <p>*Must comply with City’s Access Management Policy.</p>	Non-compliance

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO THE CONDITIONS NOTED, DRIANAGE, AND UTLITIES APPROVAL.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review



LOCATION

220

4
CANCH SUBD

LOT 2

1

LYM SUBDIVISION
LOT 1

RETANA ACRES SUBDIVISION
LOT 1

7
PROPOSED TREVIÑO
SUBDIVISION
8

R.C. ACRES SUBD
LOT 1
LOT 1

41ST LN

V & L ESTATES SUBD

BEITSEN RD

LARK AVE

L & B
SUBD
LOT 1

MENDEZ LARA
SUBDIVISION

J&R
SUBDIVISION

N 42ND ST

ORTHWEST

233

KIWI AVE

31

30

34

27

35

26

40

2

232

