AGENDA

PLANNING & ZONING COMMISSION REGULAR MEETING
WEDNESDAY, JANUARY 21, 2026 - 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) PUBLIC HEARING

a) ROUTINE ITEMS CITY INITIATED REZONINGS: (All Rezonings listed under this section come with a favorable recommendation from Planning & Zoning Staff and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.)

1. Rezoning from R-2 (Duplex-Fourplex-OC) District under the Old Code (OC) to R-2 (Medium Density Residential-UDC) District under the new Unified Development Code (UDC) for the following properties:

CASE REZ2025-0251:

Las Canadas Subdivision Lots 1-8 & 15-20 Block 1 Hidalgo County, Texas.
3000-3104 South “K Center” Street
Las Canadas Subdivision Lots 10-14 & 33-36 Block 1 Hidalgo County, Texas.
1200-1312 East Pineridge Avenue
Las Canadas Subdivision Lots 21-29A Block 1 Hidalgo County, Texas.
3002-3017 South “L” Street
Las Canadas Subdivision Lots 30-32 & 37-39 Hidalgo County, Texas.
3002-3011 South “L” Lane
Las Canadas Subdivision Lots 40-42 Block 1 Hidalgo County, Texas.
3000-3008 South “M” Street
Las Canadas Subdivision Lots 43-52 Hidalgo County, Texas.
1201-1325 East Olympia Avenue

2. **Rezoning from R-3A (Multi-Family Residential Apartment-OC) District under the Old Code (OC) to R-3 (High Density Residential-UDC) District under the New Unified Development Code (UDC) for the following property:**

CASE REZ2025-0249:

Las Canadas, Lot 9, Hidalgo County, Texas.
3108 South "K" Center Street

3. **Rezoning from I-1 (Light Industrial - OC) District to I-1 (Light Industrial- UDC) District:**

CASE REZ2025-0250:

Jackson South Subdivision, Lot 1, Hidalgo County, Texas.
1400 South Jackson Road
1330 East Oakland Avenue (Prop ID: 231175)

4. **Rezoning from A-O (Agricultural & Open Space-OC) District under the Old Code (OC) to A-O (Agricultural & Open Space-UDC) District under the new Unified Development Code (UDC) for the following properties:**

CASE REZ2025-0248:

3100 South Jackson Road (PID: 231208)

5. **Rezoning from A-O (Agricultural & Open Space-OC) District and R-3A (Multi-family Residential Apartment-OC) District under the Old Code (OC) to M-2 (Regional Mixed Use-UDC) District under the new Unified Development Code (UDC) for the following properties:**

CASE REZ2025-0247:

2000 South Ware Road (PID: 230670, 230672, 230671)

6. **Rezoning from A-O (Agricultural and Open Space-OC), I-1 (Light Industrial-OC), and C-1 (Office Building-OC) District under the Old Code (OC) to A-O (Agricultural and Open Space-UDC) District under the new Unified Development Code (UDC) for the following properties:**

CASE REZ2025-0272:

3101 Jordan Road Rear (PID: 230684).
2301-3401 Jordan Road (PID: 230681, 230682, 230683).
2701-3501 South Ware Road (PID: 230656, 230637, 270303, 270304, 270305).

b) REZONING:

1. Rezone from R-1 (Single Family Residential - OC) District to R-2 (Medium-Density Residential - UDC) District: 2.70 of an acre tract of land out of Lot 129, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas; 2604 North Ware Road **(REZ2025-0271)**

c) CONDITIONAL USE PERMITS:

1. Request of Nathan Chamberlain, P.E. on behalf of AEP Texas. for a Conditional Use Permit, for two years, for an Electric Substation at a 5.55 acre tract described as West 250 feet of the East 756.45 feet of the South 986.84 feet of land out of Lot 328, John H Shary Subdivision, Save and Except the West 100 feet of the North 50 feet, Hidalgo County, Texas; 4551 Buddy Owens Boulevard. **(CUP2025-0129)**

2. Request of Roan G. Gomez, for a Conditional Use Permit, for Life of Use and adoption of an ordinance, for Institutional Use (School) at Lot 1 at Idea Public Schools-McAllen Subdivision, Hidalgo County, Texas; 201 North Bentsen Road. **(CUP2025-0124)**

3. Request of Fermin Leija Jr., for a Conditional Use Permit adoption of an ordinance, for Life of Use, for a Single Family Dwelling (Home) at South ½ of lot 11, Block 56, McAllen Addition Subdivision, Hidalgo County, Texas; 619 South Bicentennial Boulevard. **(CUP2025-0125)**

4. Request of Michael Fallek for a Conditional Use Permit, for life of use, and adoption of an ordinance, for a Planned Unit Development at 13.661 Acres out of Lot 9 & 16 Section 7, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 1300 South 10th Street **(CUP2025-0126)**

5. Request of Jorge G. Martinez on behalf of Lunalj LLC, for a Conditional Use Permit, for two years, and adoption of an ordinance for an Event Center (Casa Luna) at Lot 5A, Kingwood Estates Phase II Subdivision, Hidalgo County, Texas; 5245 North 23rd Street. **(CUP2025-0119)**

6. Request of M2 Engineering, PLLC, for a Conditional Use Permit, for life of use, and adoption of an ordinance, for an amendment to a Planned Unit Development for Lots 1-36, Sunset Valley Subdivision, Hidalgo County, Texas: 6100 North Bentsen Road. **(CUP2025-0120)**

d) SUBDIVISION:

1. BALBOA ACRES SUBDIVISION #7, BLOCK 29 (EAST HALF), 3417 FRANCISCA AVE, RAUL MACIAS **(SUB2026-0006) (FINAL) SEA**

2. BALBOA ACRES SUBDIVISION #7, BLOCK 29 (WEST HALF), 3501 FRANCISCA AVE, RAUL MACIAS **(SUB2026-0007) (FINAL) SEA**

3. BALBOA ACRES LOT #18, BLOCK 30 (WEST HALF), 3515 HELENA AVE, ALEX LOZANO **(SUB2026-0009) (FINAL) AS**

4. BALBOA ACRES LOT #18, BLOCK 30 (EAST-HALF), 3512 HELENA AVE, ALEX LOZANO **(SUB2026-0010) (FINAL) AS**

e) ORDINANCE

1. Consideration and possible approval of an ordinance updating the Unified Development Code.

2) SUBDIVISIONS:

a) BALBOA ACRES #5, BLOCK 19 (EAST HALF), 3111 DAYTONA AVE, ANARCASIS DAVILA **(SUB2025-0184) (PRELIMINARY) SEA**

b) BALBOA ACRES #5, BLOCK 19 (WEST HALF), 3113 DAYTONA AVE, ANARCASIS DAVILA **(SUB2025-0185) (PRELIMINARY) SEA**

c) MCALLEN O.T. LOTS 1A & 2A, BLOCK 58 SUBDIVISION, 1619 GALVESTON AVE, MARC & ANGELA MILLIS **(SUB2025-0131) (REVISED PRELIMINARY) SEA**

d) LIVSMART SUBDIVISION, 1001 S 29TH St, STAY IN MCALLEN, LLC (SUB2026-0002) (PRELIMINARY) SPEC

e) LAS BRISAS PHASE II, 3105 MONTE CRISTO RD, RHODES DEVELOPMENT, INC. **(SUB2025-0111) (FINAL) M&H (Tabled on 12/02/2025)**

f) RMZ DEVELOPMENT, 2900 COLBATH AVE, RMZ INVESTMENTS, INC. **(SUB2026-0008) (FINAL) ME**

3) DISCUSSION:

4) INFORMATION ONLY:

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.

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

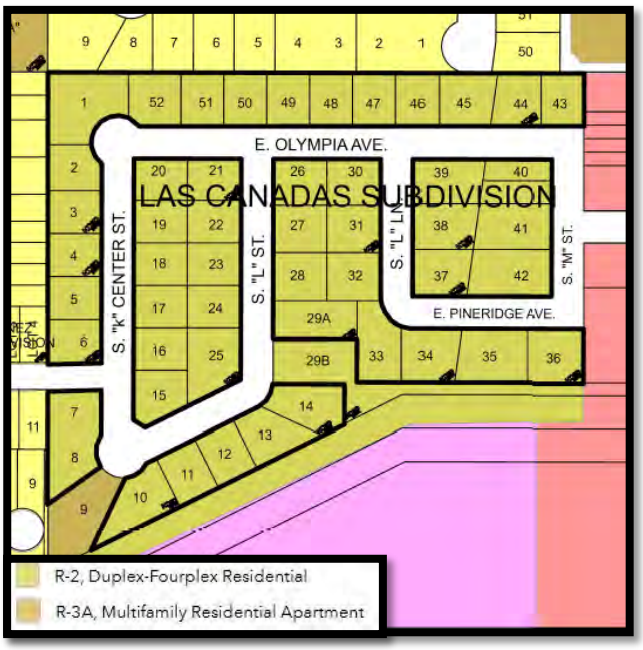
DATE: January 21, 2026

SUBJECT: **Rezoning from R-2 (Duplex-Fourplex-OC) District under the Old Code (OC) to R-2 (Medium Density Residential-UDC) District under the new Unified Development Code (UDC) for the following properties:**

CASE REZ2025-0251:

Las Canadas Subdivision Lots 1-8 & 15-20 Block 1 Hidalgo County,Texas.
3000-3104 South "K Center" Street
Las Canadas Subdivision Lots 10-14 & 33-36 Block 1 Hidalgo County, Texas.
1200-1312 East Pineridge Avenue
Las Canadas Subdivision Lots 21-29A Block 1 Hidalgo County, Texas.
3002-3017 South "L" Street
Las Canadas Subdivision Lots 30-32 & 37-39 Hidalgo County, Texas.
3002-3011 South "L" Lane
Las Canadas Subdivision Lots 40-42 Block 1 Hidalgo County, Texas.
3000-3008 South "M" Street
Las Canadas Subdivision Lots 43-52 Hidalgo County, Texas.
1201-1325 East Olympia Avenue

LOCATION: The subject properties are located on the east side of South Jackson Road north of El Rancho Road.



PROPOSAL: The City of McAllen is requesting to rezone the properties to R-2 (Medium Density Residential-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC)

ADJACENT ZONING: The adjacent properties to the north and are zoned R-1 (Single-Family Residential –UDC) District, C-3 (Office Building-OC) District to the east and R-1(Single Family Residential-OC) District to the west, and R-2 (Duplex-Fourplex-OC) District to the south.

LAND USE: Surrounding land uses include, single-family dwellings, commercial plazas, and office buildings.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as Complete Communities. Single-family detached homes make up the majority of this land use category, although some townhomes, duplexes, missing middle, and small multifamily should be encouraged to create diversity in housing choices. Nonresidential uses in this category primarily include neighborhood serving retail, services, and offices

DEVELOPMENT TRENDS: The development trend along this area is single-family residences and multi-family dwellings.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed R-2 (Medium Density Residential) District is an equivalent zoning district to the current R-2 District zoning designation.

Any future constructions must comply with all development and conditional use permit requirements as applicable under the UDC.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to R-2 (Medium Density Residential-UDC) District.

Planning Department

Memo

TO: Planning and Zoning Commission

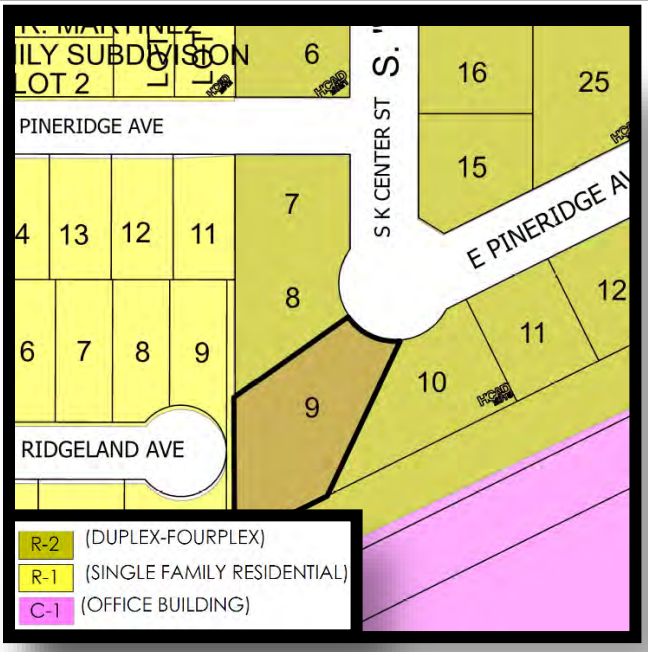
FROM: Planning Staff

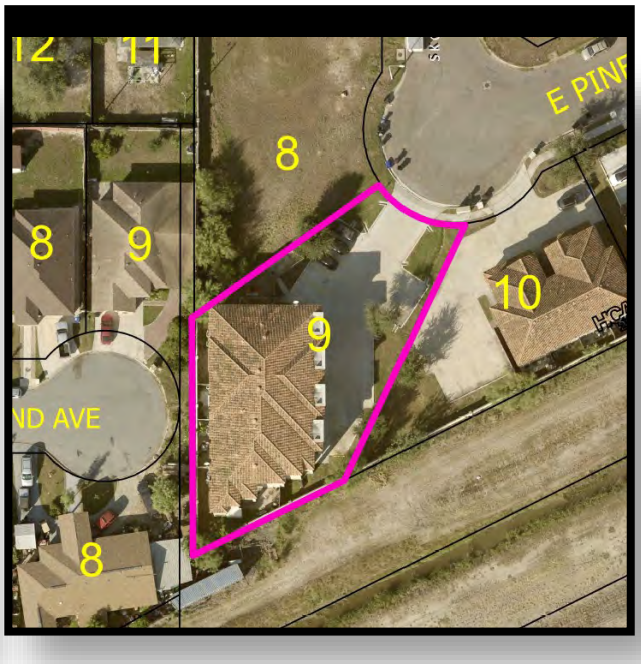
DATE: January 21, 2026

SUBJECT: **REZONING FROM R-3A (MULTIFAMILY RESIDENTIAL APARTMENT-OC) DISTRICT UNDER THE OLD CODE (OC) TO R-3 (HIGH DENSITY RESIDENTIAL-UDC) DISTRICT UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) FOR THE FOLLOWING PROPERTIES:**

CASE REZ2025-0249:

Las Canadas, Lot 9, Hidalgo County, Texas.
3108 South "K" Center Street





LOCATION: The subject properties are located on the southwest corner of South "K" Center Street and East Pineridge Avenue,

PROPOSAL: The City of McAllen is requesting to rezone the properties to R-3 (High Density Residential-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC).

ADJACENT ZONING: The adjacent properties are zoned R-2 (Medium Density Residential – OC) District to the east, north and south and R-1 (Single-Family Residential-OC) District to the west.

LAND USE: The property consists of apartments. Surrounding uses include duplex homes and single family residential homes.

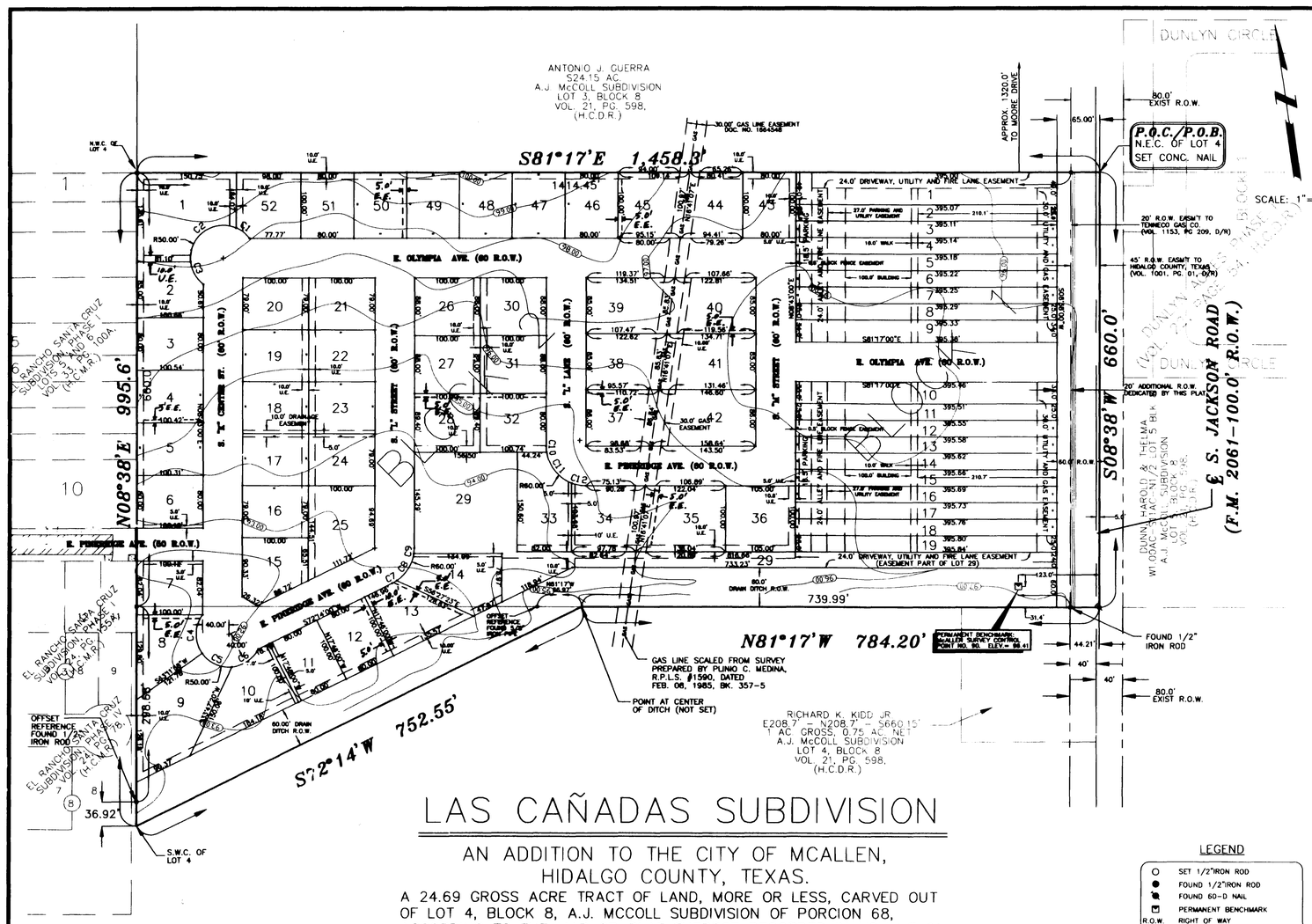
FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as Complete Communities. Single-Family detached homes make up the majority of this land use category, although some townhomes, duplexes, missing middle and small multifamily should be encouraged to create diversity in housing choices.

DEVELOPMENT TRENDS: The development trend along this area is low, medium, and high density residential.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed R-3 (High Density Residential - UDC) District is an equivalent zoning district to the current R-3A (Multifamily Residential Apartments-OC) District zoning designation.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to R-3 (High Desnity Residential-UDC) District.



LAS CAÑADAS SUBDIVISION

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

A 24.69 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF LOT 4, BLOCK 8, A.J. MCCOLL SUBDIVISION OF PORCION 68, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

LEGEND

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

GENERAL PLAT NOTES:

1. MINIMUM SETBACK LINES =
   BLOCK I: S. JACKSON ROAD- 210.7' TO UNCLOSED COVERED WALK AND 220.7' TO BUILDING.
   REAR: 76.0'
   CORNER: 10.0'
   INTERIOR SIDE AS PER ZONING ORDINANCE, 24.0' ON NORTH SIDE OF LOT 1.
   BLOCK II: FRONT: 20.0'
   REAR: 10.0' EXCEPT FOR LOTS 37-42
   LOTS 37-39: 15.0'
   LOTS 40-42: 25.0'
   SIDE: 6.0' EXCEPT 10.0' ON EAST SIDE OF LOT 1 AND WEST SIDE OF LOT 52. AND 10' ON THE EAST SIDE OF LOTS 36 AND 43, AND SOUTH SIDE OF LOTS 1, 28 AND 32
   15.0' ON THE EAST SIDE OF LOTS 34 AND 45
   20.0' ON THE WEST SIDE OF LOT 35
   15.0' ON THE WEST SIDE OF LOT 44
   GARAGE: 18.0', EXCEPT WHERE GREATER SETBACK IS REQUIRED.
   OWNER: 19.0'
2. LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "B" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/02/82, COMMUNITY PANEL NO. 480343 0010 C.
3. 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. 4' SIDEWALKS SHALL BE REQUIRED ALONG SOUTH JACKSON ROAD, AND ON BOTH SIDES OF ALL INTERIOR STREETS.
5. THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 153,331.20 CUBIC FEET (3.52 AC. FEET) OF DRAINAGE RUNOFF VOLUME.
6. THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
7. 6' BUFFER REQUIRED BETWEEN RESIDENTIAL & COMMERCIAL ZONES/USES.
8. A SITE PLAN MUST BE APPROVED BY PLANNING & ZONING COMMISSION PRIOR TO ISSUANCE OF BUILDING PERMIT FOR LOTS 1-19, BLOCK 1 ONLY.
9. MCALLEN SURVEY CONTROL POINT NO. 90, LOCATED AT AT THE WEST BOUND OF JACKSON ROAD, 87 FEET WEST FROM THE EOP OF JACKSON ROAD AND 692 FEET NORTH OF THE CL OF EL RANCHO ROAD, SOUTH OF THE MONUMENT THERE IS A CANAL THAT RUNS EAST-WEST. ELEV.=96.41
10. COMMON AREAS ARE FOR THE BENEFIT OF THE LOT OWNERS AND MAINTAINED BY THE LOT OWNERS.
11. AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
12. A 25' x 25' CORNER CLIP EASEMENT IS LOCATED AT ALL STREET INTERSECTIONS.
13. NO ADDITIONAL ACCESS WILL BE ALLOWED ONTO FM. 2061 "JACKSON ROAD" FROM THIS SUBDIVISION.
14. COMMON SITE PLAN FOR LOTS 1 - 19, BLOCK 1, APPROVED BY PLANNING AND ZONING COMMISSION PROVIDE FOR COMMON PARKING, ACCESS, LANDSCAPING, SETBACKS, ETC. AND IS FOR THE BENEFIT OF THE LOT OWNER.
15. GAS WELL SITE, LOT 29 EXEMPTED FROM PARK FEE - IF BUILT UPON, A FEE OF $550.00 PER DWELLING UNIT SHALL BE PAID AS A CONDITION OF THE BUILDING PERMIT.
16. LOT OWNERS OR BUILDERS SHOULD CONTACT THE GAS CO. FOR EXACT LOCATION OF THE LINE BEFORE THE CONSTRUCTION OF BUILDING IMPROVEMENTS.

CURVE TABLE

CURVE	LENGTH	RADIUS	BEARING
C1	26.04	50.00	N43°04'29"W 25.75
C2	104.49	50.00	S62°08'30"W 86.48
C3	48.75	50.00	S21°04'01"E 39.63
C4	63.18	50.00	S09°23'18"W 59.06
C5	52.39	50.00	S56°49'32"E 50.02
C6	50.44	50.00	N64°15'40"E 48.32
C7	8.10	60.00	N68°21'57"E 8.09
C8	50.00	60.00	N40°37'30"E 48.57
C9	8.41	60.00	N12°44'03"E 8.41
C10	9.44	60.00	S04°12'30"W 9.43
C11	62.82	60.00	S30°17'33"E 59.99
C12	21.99	60.00	S70°47'04"E 21.87

PRINCIPAL CONTACTS

	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:	EDUARDO CANTU, MEMBER OC DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP	2101 ANGELINA MARIE DRIVE,	PHARR, TEXAS. 78577	(956) 454-7247	(956) 631-1187
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

LIENHOLDER'S ACKNOWLEDGMENT:
STATE OF TEXAS
COUNTY OF HIDALGO

I/WE, THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE **LAS CAÑADAS SUBDIVISION** OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED OFR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

INTERNATIONAL BANK
SECURITY INTEREST HOLDER

ROBERT J. HYMEL Jr.
INTERNATIONAL BANK

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 6th DAY OF February, 200 7

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES. 9-17-07

DANIELA PEREZ NOTARY PUBLIC STATE OF TEXAS 9-17-2007

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED OWNER (S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **LAS CAÑADAS 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 SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

OWNER: EDUARDO CANTU, MEMBER
OC DEVELOPMENT, LTD.
A TEXAS LIMITED PARTNERSHIP
2101 ANGELINA MARIE DRIVE,
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 12 DAY OF February, 2007.

ROSIE R. LEAL
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-09-2009

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES. 7/9/09

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

3-8-07
DATE

STATE OF TEXAS
CITY OF MCALLEN

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

CHAIRPERSON
PLANNING AND ZONING COMMISSION

3-9-07
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 **LAS CAÑADAS 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 "A" OR "AH" DEFINED AND DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

1/22/07

STATE OF TEXAS
DAVID OMAR SALINAS
71973
REGISTERED PROFESSIONAL ENGINEER

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

1/22/07

STATE OF TEXAS
DAVID O. SALINAS
5782
REGISTERED PROFESSIONAL LAND SURVEYOR

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATION

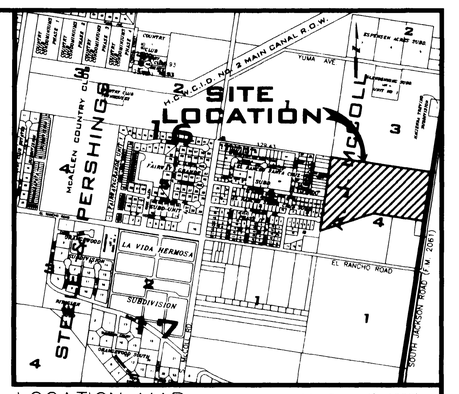
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR 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

BY: _____ DATE: 3/26/07

FILED FOR RECORD IN:
HIDALGO COUNTY
BY ARTURO GUAJARDO, JR.
COUNTY CLERK
ON: 3/28/07 AT 3:41 PM
AS Document Number: 773880
BY: _____ DEPUTY

Recorded in Volume 52 Page 173 of the map records of Hidalgo County, Texas
Arturo Guajardo, Jr.
County Clerk



LOCATION MAP SCALE : 1"=1000'

METES AND BOUNDS DESCRIPTION:

BEING A 24.69 GROSS ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF LOT 4, BLOCK 8, A.J. MCCOLL SUBDIVISION OF PORCION 68, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 598, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 24.69 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS BOUNDS AS FOLLOWS:

COMMENCING AT A CONCRETE NAIL SET ON THE NORTHEAST CORNER OF SAID LOT 4 LOCATED WITHIN THE RIGHT-OF-WAY OF JACKSON ROAD FOR THE NORTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, SOUTH 08 DEGREES 38 MINUTES WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 4, A DISTANCE OF 660.0 FEET TO A CONCRETE NAIL SET FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, NORTH 81 DEGREES 17 MINUTES WEST, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 44.21 FEET PASS A 1/2 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 784.20 FEET IN ALL TO A POINT LOCATED IN THE CENTER OF A DRAINAGE DITCH FOR AN INSIDE CORNER OF THIS HEREIN DESCRIBED TRACT; SAID CORNER IS MONUMENTED BY A 5/8 INCH DIAMETER IRON PIPE FOUND OFFSET NORTH 81 DEGREES 17 MINUTES WEST, A DISTANCE OF 66.97 FEET FROM SAID INSIDE CORNER;

(3) THENCE, SOUTH 72 DEGREES 14 MINUTES WEST, WITH THE CENTER OF SAID DRAINAGE DITCH, A DISTANCE OF 752.55 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 4 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT; SAID CORNER IS MONUMENTED BY A 1/2 INCH DIAMETER IRON ROD FOUND OFFSET NORTH 08 DEGREES 38 MINUTES EAST, A DISTANCE OF 36.92 FEET FROM SAID SOUTHWEST CORNER;

(4) THENCE, NORTH 08 DEGREES 38 MINUTES EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 4, A DISTANCE OF 995.60 FEET TO A 3/4 INCH DIAMETER IRON PIPE FOUND ON THE NORTHWEST CORNER OF SAID LOT 4 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(5) THENCE, SOUTH 81 DEGREES 17 MINUTES EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 1,414.45 FEET PASS A 1/2 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ROAD, AT A DISTANCE OF 1,458.30 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 24.69 ACRES OF LAND, MORE OR LESS, OF WHICH 0.67 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID JACKSON ROAD, AND, APPROXIMATELY 0.85 ACRES, MORE OR LESS, ARE LOCATED WITHIN SAID DRAINAGE DITCH, LEAVING 23.17 NET ACRES OF LAND, MORE OR LESS.

BEARING SOURCE: SPECIAL WARRANTY DEED FROM THE CITY OF MCALLEN TO DeSAUSSURE M. TREVINO AND JORGE H. TREVINO

STATE OF TEXAS
HIDALGO COUNTY IRRIGATION DISTRICT # 2

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT # 2 THIS, THE 18th DAY OF January, 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.

HIDALGO COUNTY IRRIGATION DISTRICT NO. 2 SAN JUAN TEXAS

PRESIDENT

ATTEST: _____
SECRETARY

LAS CAÑADAS SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOCIATES
DATE OF PREPARATION: JANUARY 09, 2007
OWNER: EDUARDO CANTU, MEMBER
OC DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP
2101 ANGELINA MARIE DRIVE,
PHARR, TEXAS. 78577

SEA
SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

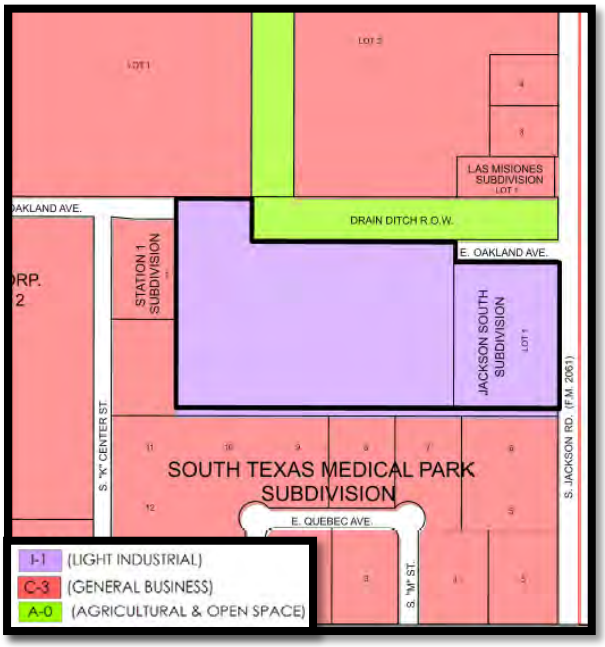
DATE: January 21, 2026

SUBJECT: **REZONING FROM I-1 (LIGHT INDUSTRIAL-OC) DISTRICT UNDER THE OLD CODE (OC) TO I-1 (LIGHT INDUSTRIAL-UDC) DISTRICT UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) FOR THE FOLLOWING PROPERTIES:**

CASE REZ2025-0250:

Jackson South Subdivision, Lot 1, Hidalgo County, Texas.
1400 South Jackson Road
1330 East Oakland Avenue (Prop ID: 231175)

LOCATION: The subject properties are located on the west side of South Jackson Road, north of East Ridge Road



PROPOSAL: The City of McAllen is requesting to rezone the properties to I-1 (Light Industrial-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC)

ADJACENT ZONING: The adjacent properties are zoned C-3 (General Business –OC) District to the west and south and A-O (Agricultural & Open Space-OC) District to the north.

LAND USE: The properties consist of commercial and vacant land. Surrounding uses include medical centers, commercial, irrigation canal and vacant land.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as Mixed Use Nodes. Mixed Use Nodes encourages a combination of dense residential and non-residential uses in a compact design.

DEVELOPMENT TRENDS: The development trend along this area is commercial and medical.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed I-1 (Light Industrial -UDC) District is an equivalent zoning district to the current I-1 (OC) District zoning designation.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to I-1 (Light industrial-UDC) District.

Planning Department

Memo

TO: Planning and Zoning Commission

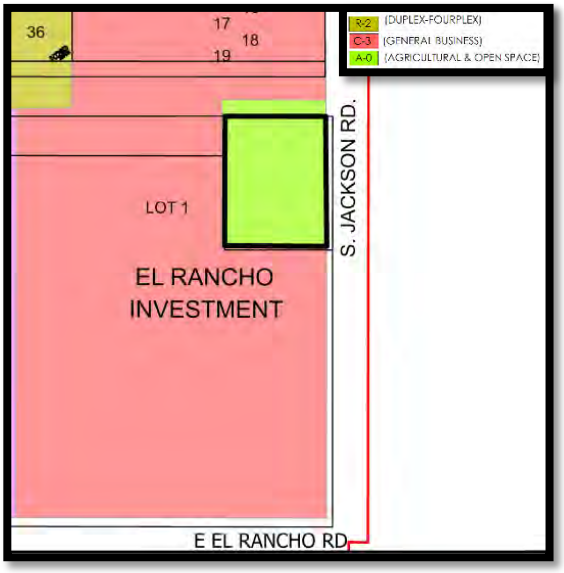
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REZONING FROM A-O (AGRICULTURAL & OPEN SPACE-OC) DISTRICT UNDER THE OLD CODE (OC) TO A-O (AGRICULTURAL & OPEN SPACE-UDC) DISTRICT UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) FOR THE FOLLOWING PROPERTIES:**

CASE REZ2025-0248:
3100 South Jackson Road (PID: 231208)

LOCATION: The subject property is located along the west side of South Jackson Road, north of East El Rancho Road.



PROPOSAL: The City of McAllen is requesting to rezone the property to A-O (Agricultural & Open Space-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC).

ADJACENT ZONING: The adjacent properties are zoned C-3 (General Business–OC) District to the north, south and west. The properties on the east side of South Jackson Road are outside the city limits.

LAND USE: The property contains single-family dwellings and is zoned A-O (Agricultural & Open Space-OC) District. Surrounding uses include townhomes, multi-family apartments, and commercial businesses.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as Parks and Open Space.

DEVELOPMENT TRENDS: The development trend along South Jackson Road is single-family residences, multi-family dwellings and commercial businesses.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed A-O (Agricultural & Open Space) District is an equivalent zoning district to the current A-O District zoning designation.

Any future constructions must comply with all development and conditional use permit requirements as applicable under the UDC.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to A-O (Agricultural & Open Space-UDC) District.

Planning Department

Memo

TO: Planning and Zoning Commission

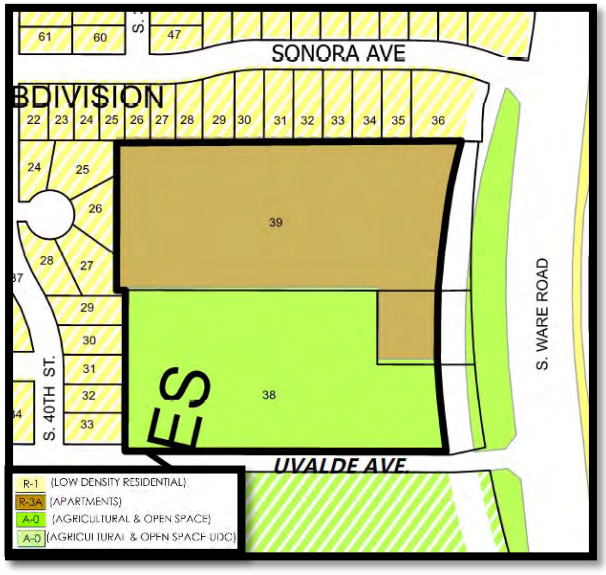
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REZONING FROM A-O (AGRICULTURAL & OPEN SPACE-OC) DISTRICT AND R-3A (MULTI-FAMILY RESIDENTIAL APARTMENT-OC) DISTRICT UNDER THE OLD CODE (OC) TO M-2 (REGIONAL MIXED USE-UDC) DISTRICT UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) FOR THE FOLLOWING PROPERTIES:**

CASE REZ2025-0247:
2000 South Ware Road (PID: 230670, 230672, 230671)

LOCATION: The subject property is located at the northwest corner of South Ware Road and Uvalde Avenue.



PROPOSAL: The City of McAllen is requesting to rezone the properties to M-2 (Regional Mixed Use-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC)

ADJACENT ZONING: The adjacent properties are zoned R-1 (Low Density Residential–UDC) District to the north and west, and A-O (Agricultural & Open Space-UDC) District to the east and south.

LAND USE: The subject properties are currently vacant. Surrounding uses include single family homes, multi-family apartments, a golf course, and a school.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as Complete Communities.

DEVELOPMENT TRENDS: The development trend along Uvalde Avenue is single-family residences.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed district is appropriate for this area as it provides a balanced mix of residential, commercial, office, and entertainment uses in a higher-density, pedestrian-oriented setting that complements the existing residential surroundings.

Any future construction must comply with all development and conditional use permit requirements as applicable under the UDC.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to M-2 (Regional Mixed Use-UDC) District.

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

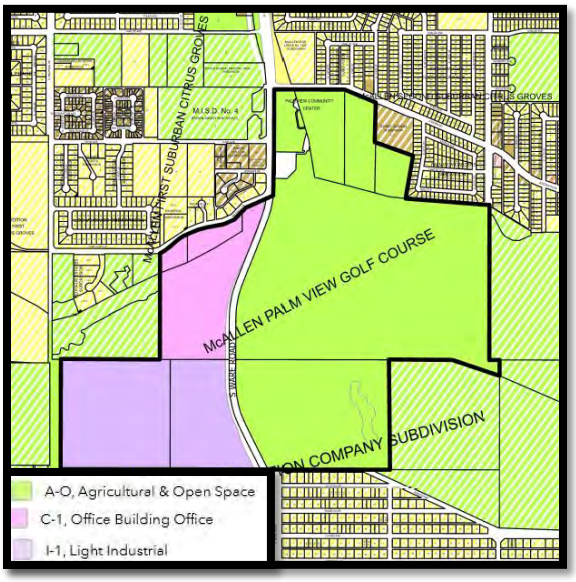
DATE: January 21, 2026

SUBJECT: **REZONING FROM A-O (AGRICULTURAL AND OPEN SPACE-OC), I-1 (LIGHT INDUSTRIAL-OC), AND C-1 (OFFICE BUILDING-OC) DISTRICT UNDER THE OLD CODE (OC) TO A-O (AGRICULTURAL AND OPEN SPACE-UDC) DISTRICT UNDER THE NEW UNIFIED DEVELOPMENT CODE (UDC) FOR THE FOLLOWING PROPERTIES:**

CASE REZ2025-0272:

3101 Jordan Road Rear (PID: 230684).
2301-3401 Jordan Road (PID: 230681, 230682, 230683).
2701-3501 South Ware Road (PID: 230656, 230637, 270303, 270304, 270305).

LOCATION: The subject properties are located on the west and east side of South Ware Road. The properties are vacant on the east side of South Ware Road and to the west, is the Champion Lakes Golf Course.



PROPOSAL: The City of McAllen is requesting to rezone the property to A-O (Agricultural and Open Space-UDC) District as part of the citywide rezoning pertaining to the adoption of the new McAllen Unified Development Code (UDC).

ADJACENT ZONING: The adjacent properties are zoned R-1 (Low-Density Residenital-UDC) District to the north and south, and A-O (Agruicultural and Open Space-UDC) to the east and west of the properties.

LAND USE: Surrounding uses include single family dwellings, vacant land, Champion Lakes Golf Course, and Palmview Community Center.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for these properties as 1. Parks and Open Space which denotes parks, recreational facilities, drainage ways, trails and other open spaces that are currently in existence or planned, and 2. Employment Centers which is primarily facilities, light manufacturing, offices, parks, medical centers, and supporting retail.

DEVELOPMENT TRENDS: The development trend around this area is single-family residential and vacant land.

HISTORY: The mentioned lots are currently unsubdivided. The initial zoning designation for the properties were A-O (Agricultural and Open Space-OC) District. There was an approved rezoning for the subject properties from A-O-(OC) to I-1-(OC) and A-O-(OC) to C-1-(OC) in July of 2023.

ANALYSIS: The requested zoning conforms to the future land use designation as shown on the Envision McAllen Future Land Use Plan. The proposed A-O (Agricultural and Open Space-UDC) District is compatible with the Envision McAllen Future Land Use designation.

The I-1 tract is located in an area known as the Mission Inlet which is an area that is in a FEMA designated Special Flood Hazard Area (SFHA), Zone A. Any development proposed for the tract will need to comply with the floodplain ordinance. In order to ensure that the area is in compliance with the minimum floodplain management standards, a floodplain analysis of this property will be submitted to the Federal Emergency Management Agency at a later time. Recordation of the subdivision plat will require approval by the Engineering Department.

Any future constructions must also comply with all development and conditional use permit requirments where applicable under the UDC.

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

RECOMMENDATION: Staff recommends approval of the rezoning request to A-O (Agricultural and Open Space-UDC) District.

Planning Department

Memo

TO: Planning and Zoning Commission

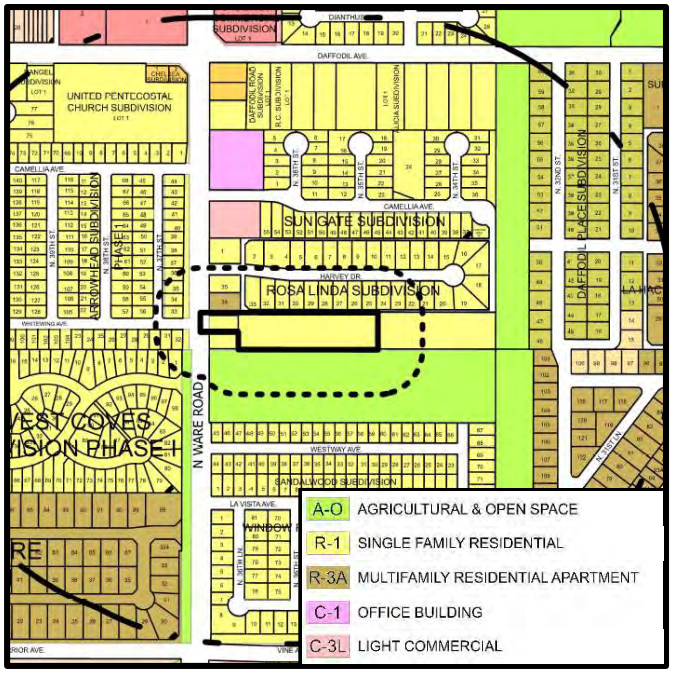
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL - OC) DISTRICT TO R-2 (MEDIUM-DENSITY RESIDENTIAL - UDC) DISTRICT: 2.70 OF AN ACRE TRACT OF LAND OUT OF LOT 129, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2604 NORTH WARE ROAD. (REZ2025-0271)**

LOCATION: The subject property located on the east side of North Ware Road, south of Harvey Drive.

PROPOSAL: The applicant is requesting to rezone the property to R-2 (Medium-Density Residential – UDC) District for townhome development.



ADJACENT ZONING: The adjacent properties are zoned R-1 (Single Family Residential – OC) District to the north, east, and west, R-3A (Multifamily Residential – OC) District to the north, and A-O (Agricultural & Open Space – OC) District to the south.

LAND USE: Surrounding land uses include single-family homes, multifamily homes, and vacant land.

COMPREHENSIVE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for this property as Mixed Use Corridor, which is a land use designation that consists of residential and nonresidential land uses. This can be appropriate provided that the overall area also contains mixed-use buildings and/or shopping centers with which this product integrates in a manner to promote walkability and access.

DEVELOPMENT TRENDS: The development trend along this area consists of single-family residential, multifamily residential, and vacant land.

HISTORY: The subject property is currently going through the subdivision review process under the proposed name of "Verona Heights Subdivision" which was approved in preliminary from at the Planning and Zoning Commission meeting of December 16, 2025. The rezoning request was submitted on December 4, 2025.

A previous rezoning request to be zoned R-3 (High Density Residential – UDC) District was recommended for disapproval by the Planning & Zoning Commission on May 20, 2025. The City Commission moved to approve the request to R-2 (Medium Density Residential – UDC) District on the meeting of June 9, 2025, but the motion failed due to not meeting the supermajority that was required.

An adjacent property on the northside along North Ware Road, was approved to be rezoned from R-1 (Single Family Residential – OC) District to R-3A (Multifamily Residential Apartment – OC) District by the City Commission on August 12, 1996.

Harvest Creek at Ware Subdivision Phase I, which is located approximately 720 feet south of the property on the west side of North Ware Road, was approved to be rezoned from A-O (Agricultural & Open Space – OC) District to R-3A (Multifamily Residential Apartment – OC) District by the City Commission on February 14, 2022.

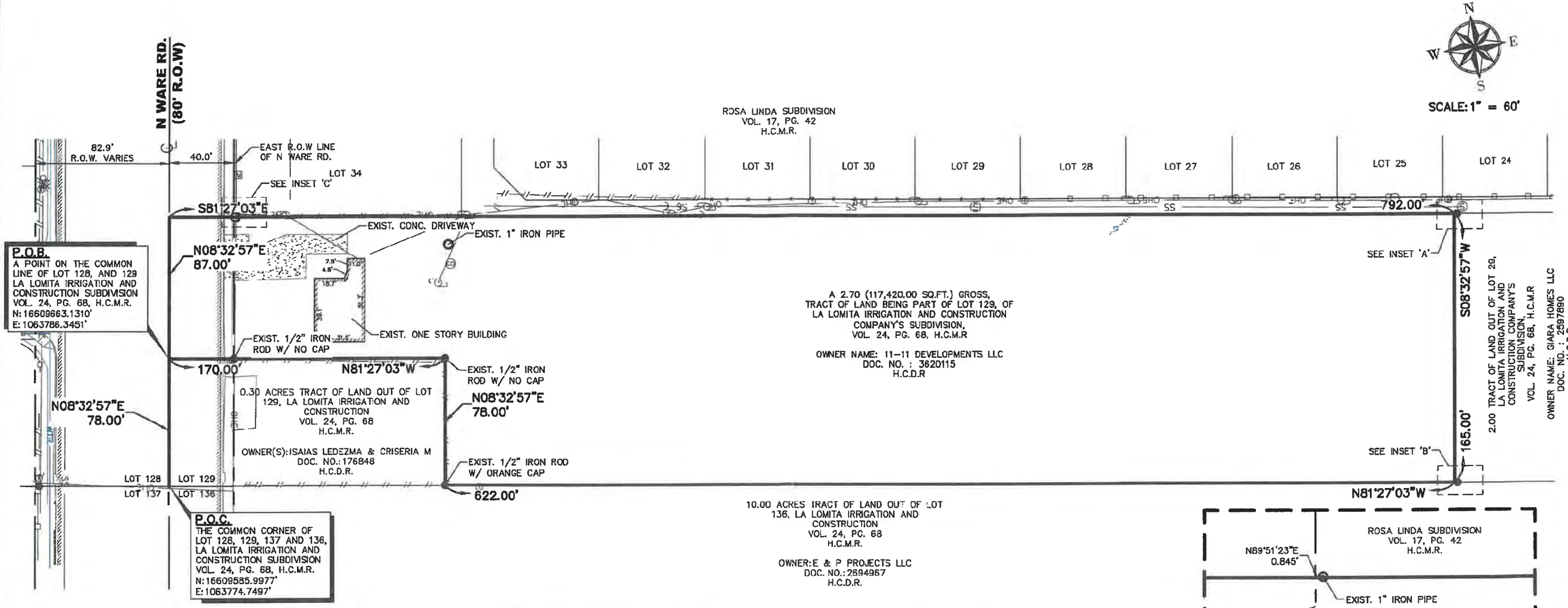
ANALYSIS: The requested rezoning does conform to the Future Land Use Plan designation as shown on the Envision McAllen Future Land Use Plan and follows the rezoning trend to high-density residential in this area.

The latest layout for the proposed Verona Heights Subdivision proposes access off of North Ware Road and is not proposing access off of any alleys. North Ware Road is designated as a principal arterial road with 120 feet Right-of-Way, of which the subject property has direct access to.

Any future construction must comply with all development requirements where applicable under the UDC.

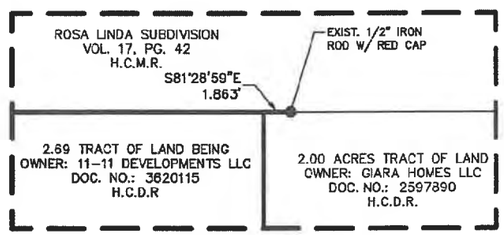
Staff has not received any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION: Staff recommends approval of the rezoning request to R-2 (Medium-Density Residential – UDC) District.

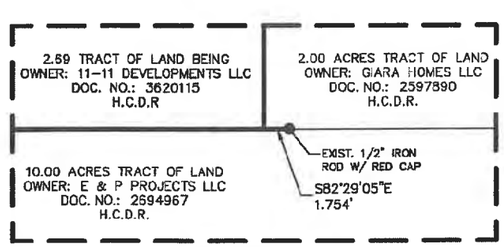


LEGEND

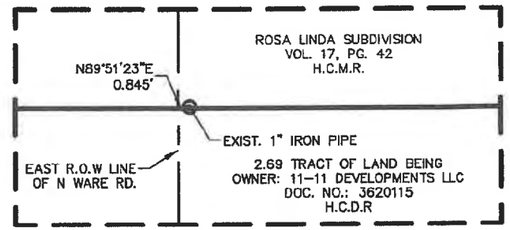
●	– FND. 1/2" IRON ROD
○	– SET 1/2" IRON ROD W/PLASTIC CAP STAMPED "SAMES"
○	– FND. IRON PIPE
M	– MAIL BOX
	– POWER POLE
	– GUY WIRE
S	– SANITARY SEWER MANHOLE
T	– TELEPHONE PEDESTAL
CO	– CLEAN OUT
—o—	– CMU FENCE LINE
—OHE—	– OVERHEAD ELECTRIC LINE
—//—	– CEDAR FENCE LINE
—WTR—	– WATER LINE
	– ASPHALT
	– CONCRETE
EXIST.	– EXISTING
CONC.	– CONCRETE
H.C.M.R.	– HIDALGO COUNTY MAP RECORDS
H.C.D.R.	– HIDALGO COUNTY DEED RECORDS
O.R.H.C.	– OFFICIAL RECORDS OF HIDALGO COUNTY
R.O.W.	– RIGHT OF WAY
FND.	– FOUND



INSET 'A'
SCALE: 1"=10'



INSET 'B'
SCALE: 1"=10'



INSET 'C'
SCALE: 1"=10'

GENERAL NOTES:
ADDRESS: 2804 N WARE ROAD, MCALLEN, TX
SURVEYED: 10/23/2025
REQUESTED BY: 11-11 DEVELOPMENTS LLC (MANAGING MEMBER – RICARDO KALIFE)

FLOOD ZONE DESIGNATION: "ZONE B" – AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY-PANEL NUMBER: 480343 0005 C

MAP REVISED: NOVEMBER 2, 1982

I, SAMUEL DAVID MALDONADO, CERTIFY THAT THE ABOVE PLAT IS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS SURVEY CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY AND MEETS THE MINIMUM SURVEY STANDARDS.

STATE OF TEXAS
REGISTERED
SAMUEL D. MALDONADO
6027
PROFESSIONAL
LAND SURVEYOR

SAMUEL DAVID MALDONADO — DATE 11/11/2025
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6027

JOB NUMBER	DRAWN BY	RVWD. BY	DATE
SUB 25.012	L.A.	S.M.	11/11/2025

SHEET 1 OF 1: SURVEY PLAT

SURVEY NOTES:
1. ALL COORDINATES, BEARINGS, AND DISTANCES, ARE BASED ON THE TEXAS COORDINATE SYSTEM, (NAD 83), TEXAS STATE PLANES, SOUTH ZONE, US SURVEY FEET, GRID. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE BASED ON RECORDED DOCUMENT.

2. ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING RTK GPS METHODS.

3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS THAT ARE NOT SHOWN.

THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS.

4. SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF HIDALGO AND/OR ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL JURISDICTION OF SAID PROPERTY.

PLAT SHOWING

2.69 (117,420.00 SQ. FT.) OF AN ACRE TRACT OF LAND BEING PART OF LOT 129, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISON, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 24, PAGE 68, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AS DESCRIBED AND CONVEYED TO 11-11 DEVELOPMENTS LLC, ACCORDING TO THE DEED THEREOF RECORDED IN DOCUMENT NUMBER 3620115, DEED RECORDS OF HIDALGO COUNTY, TEXAS

SAMES
200 S. 10TH STREET, SUITE 1500 TEL: (956) 702-8880
MCALLEN, TEXAS 78501 FAX: (956) 702-8883
SURVEY FIRM REG. No. 101416-00
MCALLEN TX | HARLINGEN TX | SANTA FE NM | LOS ALAMOS NM

RECEIVED
DEC 03 2025
By

Planning Department

Memo

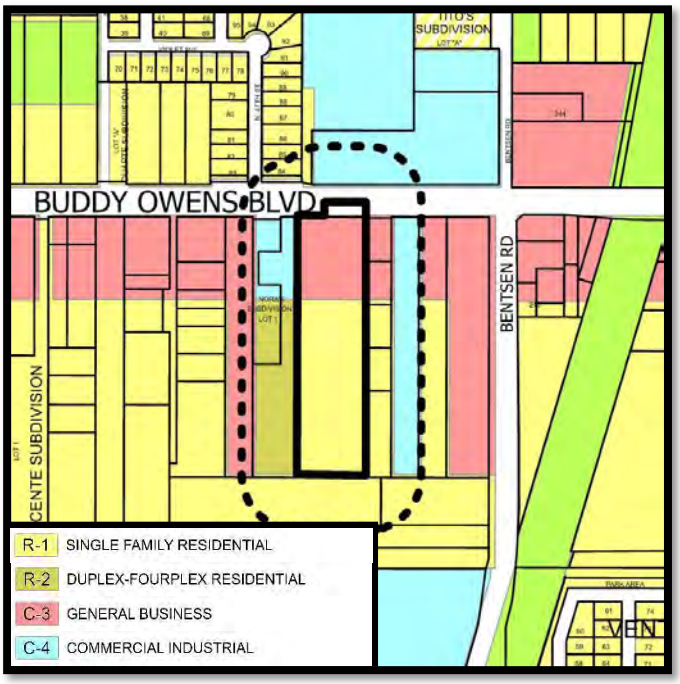
TO: Planning and Zoning Commission

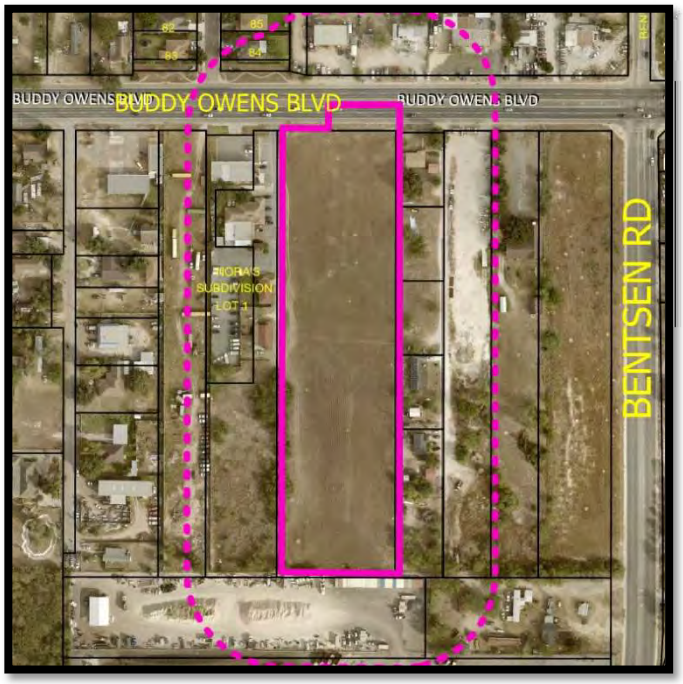
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF NATHAN CHAMBERLAIN, P.E., ON BEHALF OF AEP TEXAS, FOR A CONDITIONAL USE PERMIT, FOR TWO YEARS AND ADOPTION OF AN ORDINANCE, FOR AN ELECTRIC SUBSTATION AT A 5.55 ACRE TRACT DESCRIBED AS WEST 250 FEET OF THE EAST 756.45 FEET OF THE SOUTH 986.84 FEET OF LAND OUT OF LOT 328, JOHN H SHARY SUBDIVISION, SAVE AND EXCEPT THE WEST 100 FEET OF THE NORTH 50 FEET, HIDALGO COUNTY, TEXAS; 4551 BUDDY OWENS BOULEVARD. (CUP2025-0129)**

BRIEF DESCRIPTION: The subject property is located on the south side of Buddy Owens Boulevard, approximately 500 feet west of North Bentsen Road and is zoned C-3 (General Business – OC) District and R-1 (Single Family Residential – OC) District. The adjacent zoning is R-1 (Single Family Residential – OC) District to the north, east, and south, R-2 (Duplex-Fourplex Residential – OC) District to the west, C-3 (General Business – OC) District to the east, and C-4 (Commercial Industrial – OC) District to the north and west.





ANALYSIS: The applicant is proposing to construct a temporary power skid station on the subject property. The electric substation is proposed to be located on the north portion of the property with access to Buddy Owens Boulevard. The applicant is proposing to lease an area of 175 feet by 250 feet for a total of one acre from the City of McAllen.

The proposed development will require an 8-foot-tall buffer on the east side, which may be by cedar planks, since it shares less than 200 feet in common with the residential use.

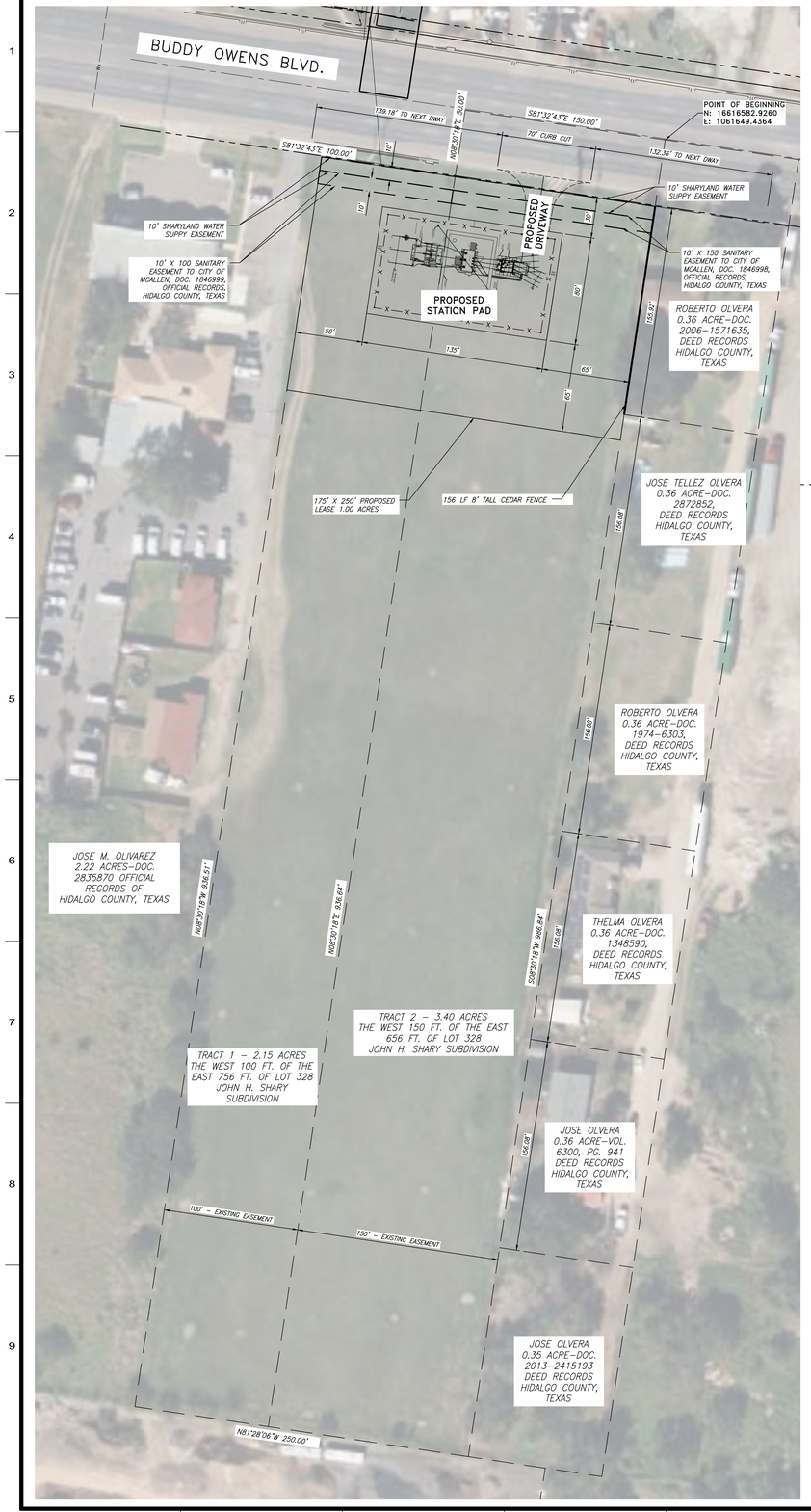
The proposed substation must also comply with the following:

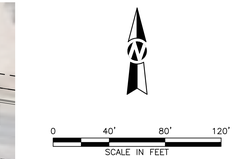
1. The proposed electric substation shall meet all the minimum standards established in applicable city ordinances; and will not be detrimental to the health welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.
2. No form of pollution shall emanate beyond the immediate property line of the permitted use.
3. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.
4. New railroad facilities and structures for private utilities, other than the usual poles, wires and underground utilities; shall require a permit.

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

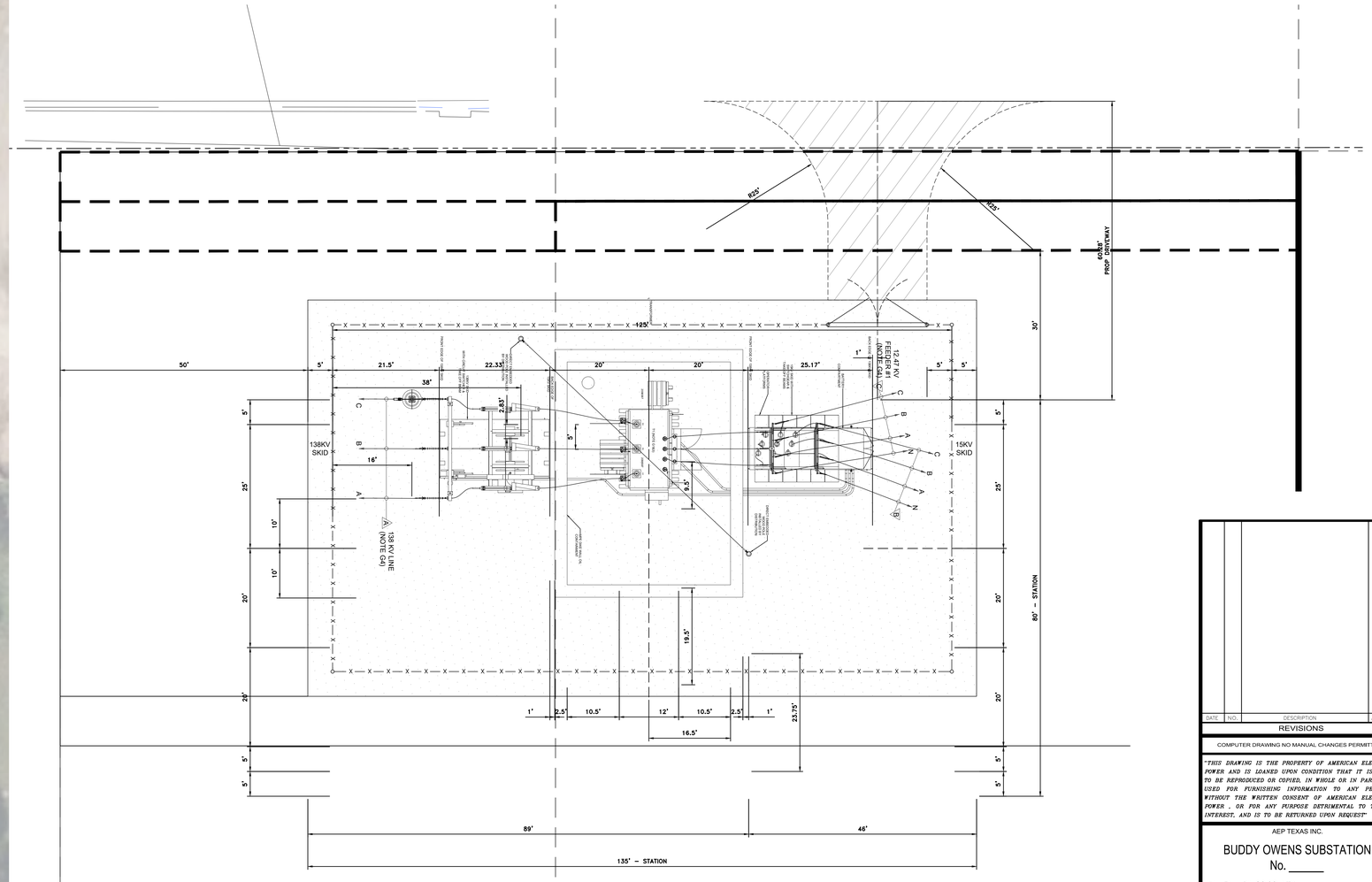
RECOMMENDATION: Staff recommends approval of the Conditional Use Permit, for two years, subject to Section 110-49 (a), conditions noted, paving and building permit requirements, and the subdivision and zoning ordinances.

DWG.NO. PG01





- CONTROL POINT
- EXISTING EDGE OF GRAVEL DRIVE
- EXISTING CHAIN LINK FENCE
- EXISTING WIRE FENCE
- EXISTING OVERHEAD ELECTRIC LINES
- EXISTING POWER POLE
- EXISTING GUY WIRE
- EXISTING SERVICE POLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING MAIL BOX
- STATION FENCE
- EXISTING PROPERTY EASEMENT
- EXISTING WATER EASEMENT
- 9" FLEXIBLE BASE WITH GEOGRID (DRIVEWAYS)
- 9" FLEXIBLE BASE (SUBSTATION PAD)



17215 Jones Maltsberger Road, Ste 101 | San Antonio, TX 78247
210.888.6100 | www.ttlusa.com
TBPE Registration: F–12622 | TBPG Registration: 50456

DATE	NO.	DESCRIPTION	APPD.

REVISIONS

COMPUTER DRAWING NO MANUAL CHANGES PERMITTED

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AEP TEXAS INC.

BUDDY OWENS SUBSTATION
No. _____

McALLEN, HIDALGO COUNTY TEXAS

PROPOSED 138 kV SUBSTATION

SKID STATION SITE LAYOUT

TTL PRJ#: 0024090211.00 BPID#: DP23X12B0

DWG.NO. PG01

WO#: T1061964002	ENERGY TRANSMISSION DEPT.
SCALE: 1" = 30'	
DR: J. KIGHT	PRELIMINARY (NOT FOR CONSTRUCTION RECORDING PURPOSES OR IMPLEMENTATION)
CH: T. HURT	
DATE: 05.12.2023	

AMERICAN ELECTRIC POWER

212 E 6TH ST
TULSA, OK 74119

PLOTTED 15.12.2025 AT 17:12 ENERGY TRANSMISSION DEPT. - 2nd FLOOR GAHANNA

PROJECTWISE 30" x 42" D-BORDER AEPSC_REF.DWG REV.#9 11-03-03

X:\2024\09\24-09-02011.00 - AEP – BUDDY OWENS SUBSTATION – REAM REAL ESTATE\CIVIL\CONSTRUCTION PLANS\DRAWINGS\PALMHURSTDRAWINGS\24-09-02011-BUDDY OWENS SKID SITE LAYOUT

Planning Department

Memo

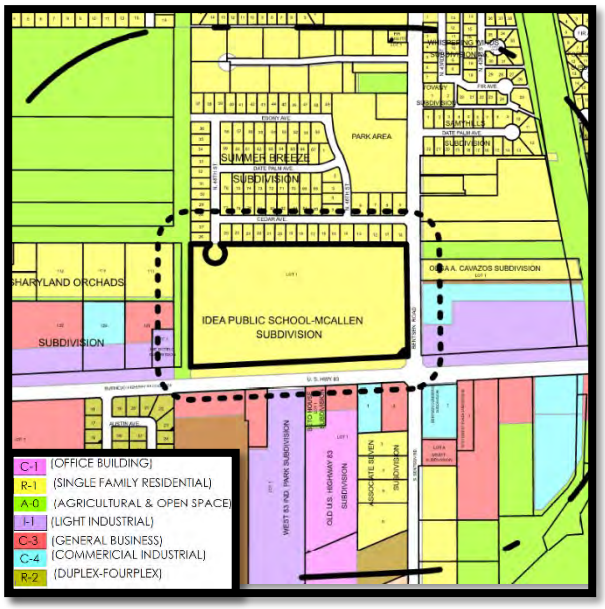
TO: Planning and Zoning Commission

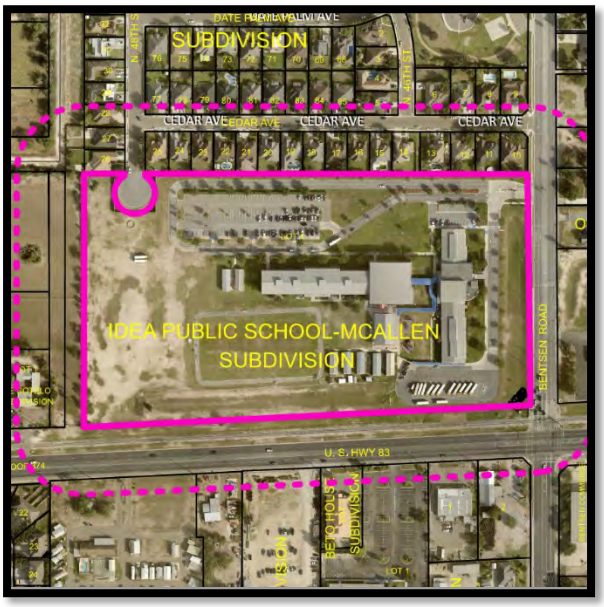
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF ROAN G. GOMEZ, ON BEHALF OF IDEA PUBLIC SCHOOL, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR AN INSTITUTIONAL USE (SCHOOL) AT LOT 1, IDEA PUBLIC SCHOOLS-MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 201 NORTH BENTSEN ROAD. (CUP2025-0124)**

BRIEF DESCRIPTION: The property is located at the northwest corner of US Highway 83 and North Bentsen Road and is zoned R-1 (Single-Family Residential -OC) District. The adjacent zoning is R-1 (Single-Family Residential -OC) District to the north, south and east, I-1 (Light Industrial-OC) and C-4 (Commercial Industrial-OC) District to the east, and A-O (Agricultural& Open Space-OC) to the west. A school is permitted in the R-1(OC) District with a Conditional Use Permit and in compliance with requirements.





HISTORY: The original Conditional Use Permit for an Institutional Use for a school for this property was approved on July 25, 2011. An application to amend the Conditional Use Permit for Life of Use was approved on September 4, 2012, for an addition of a two-story gym.

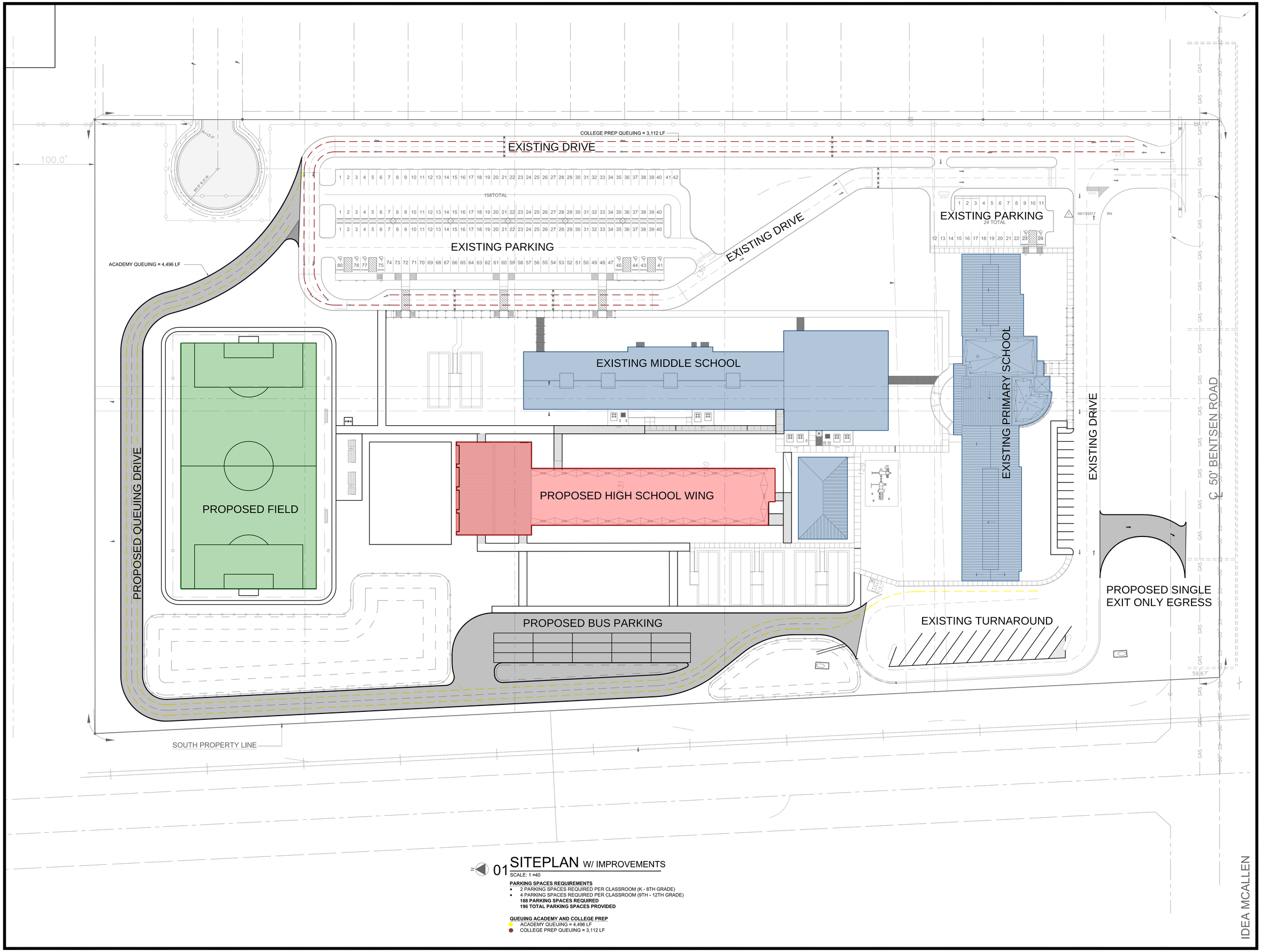
REQUEST/ANALYSIS: The applicant is requesting to amend the Conditional Use Permit for Life of the Use with the addition of a proposed high school wing, utility, and parking improvements.

The Fire Department inspection is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to all conditions noted on the permit. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. Access to the property is from North Bentsen Road.
2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of parking along street, especially in residential areas. The parking must be clear of potholes and be properly striped per city requirements. According to approved Site Plan Review, the total parking spaces required will be 148 spaces and they are providing 184 parking spaces.
3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas; applicant has fences on perimeter of property.
6) The number of persons within the main building shall be determined by the Building Inspections Department; and
7) Sides adjacent to commercially zoned or use property shall be screened by a 6 ft. opaque fence.

Staff has received one phone call in opposition to the CUP, citing concerns about increased traffic in nearby neighborhood.

RECOMMENDATION: Staff recommends approval of the request, for Life of the Use, subject to the conditions noted, Zoning Ordinance, Unified Development Code, Building Code, and Fire Department requirements.



01 SITEPLAN W/ IMPROVEMENTS

SCALE: 1 =40

PARKING SPACES REQUIREMENTS

- 2 PARKING SPACES REQUIRED PER CLASSROOM (K - 8TH GRADE)
- 4 PARKING SPACES REQUIRED PER CLASSROOM (9TH - 12TH GRADE)

188 PARKING SPACES REQUIRED
196 TOTAL PARKING SPACES PROVIDED

QUEUING ACADEMY AND COLLEGE PREP

- ACADEMY QUEUING = 4,496 LF
- COLLEGE PREP QUEUING = 3,112 LF

No.	REVISIONS	BY

GMS ARCHITECTS
1150 Paredes Line Rd.
Brownsville TX 78526
(956) 546-0110
fax (956) 546-0196

IDEA - McALLEN GYMMASIUM AND CLASSROOM ADDITION PHASE III

McALLEN, TEXAS

IDEA Public Schools

IDEA MCALLEN

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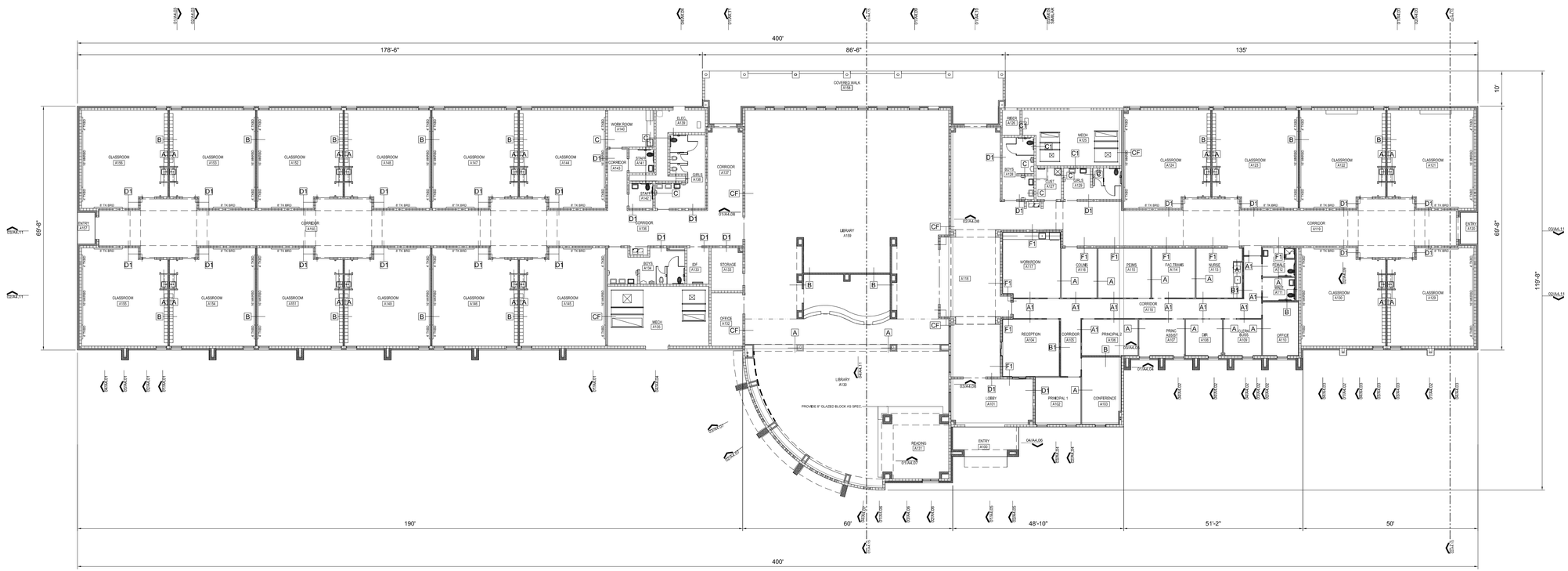
Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date: December, 2025
Scale: As Noted
Project Architect: Roan G. Gomez
Drawn By: J.Alvarado
Job No. 2025 IDEA Phase III - RGV
Sheet: B1.04

EXISTING PHASE 1 ACADEMY FLOOR PLAN



01 FLOOR PLAN

PLAN NORTH TRUE NORTH

SCALE: 1/16"=1'-0"

GENERAL NOTES:

1.) REFERENCE SHEET SERIES A4.00 FOR WALL SECTIONS NOTED ON THIS PLAN BY THE FOLLOWING DESIGNATION —X

2.) REFERENCE MEP DRAWINGS FOR ADDITIONAL PLUMBING INFORMATION INCLUDING DRAINS, SINKS, TOILETS ETC..

4.) PROVIDE PRE-MANUFACTURED CONCRETE SPLASH BLOCKS ANCHORED TO BUILDING SLAB AT EACH ROOF DOWN SPOUT NOZZLE.

5.) PROVIDE MASONRY CONTROL JOINTS AS REQUIRED BY STRUCTURAL SPECIFICATIONS WHETHER NOTED OR NOT

NO EXPOSED CMU WALL WILL BE ALLOWED AT ADMINISTRATION AREA

6.) CMU SHALL BE FURRED WITH 7/8" HAT CHANNELS WITH 5/8" GYPSUM BOARD AT ROOMS *A102,A103,A104,A106,A107,A108,A109,A110,A112,A113,A114,A115,A116,A117*

5.) PROVIDE BULLNOSE CORNERS AT ALL CMU EXPOSED EDGES OMIT BULLNOOSE AT FIRST CMU COURSE FOR RUBBER BASE INSTALLATION

6.) ALL EXPOSED STEEL STRUCTURE & COMPONENTS SHALL BE PAINTED AT ALL AREAS ALLOW FOR 3 DIFFERENT COLORS AT LIBRARY

CEILING TYPES:

S.A.C. I — PANELS - PATTERN / NRC AS INDICATED ; EQUAL TO : ARMSTRONG, NO. 1831 FINE FISSURED SQUARE LAY-IN, COLOR WHITE, 24" X 24" X 5/8". ***TYPICAL GENERAL AREAS***

S.A.C. II — PANELS - PATTERN/NRC AS INDICATED; EQUAL TO ; ARMSTRONG NO. 1835 BEVELED TEGULAR, COLOR WHITE, 24" X 24' X 5/8". ***TYPICAL AT CORRIDOR AREAS.***

S.A.C. III — PANELS - PATTERN / NRC AS INDICATED; EQUAL TO ; ARMSTRONG NO. 607, CERAMAGUARD FINE FISSURED - PERFORATED, COLOR WHITE, 24" X 24" X 5/8". ***AT TOILET AREAS.***

S.A.C. IV — PANELS- EQUAL TO ARMSTRONG CLEAN ROOM MYLAR SQUARE LAY IN SMOOTH TEXTURE No. 1715 PROVIDE 15/16" CLEAN ROOM SUSPENSION SYSTEM AT (***IDF ROOM***)

WALL LEGEND:

- INDICATES THAT THIS WALL SHALL BE ONE HOUR FIRE RATED- ALL **PENETRATIONS THRU THIS WALLS SHALL BE FIRE SEALED** REFER TO INTERIOR PARTITION SECTIONS FOR ADD'L REQUIREMENTS AT RATED WALLS
- INDICATES CONCRETE MASONRY UNIT WALLS
- INDICATES GLAZED CONCRETE MASONRY UNIT SIZE VARIES
- INDICATES 6" CMU WALL AT INTERIOR COLUMN FURRING WHERE SHOWN ON PLANS
- INDICATES CONCRETE MASONRY UNIT WALL FILLED WITH FOAM INSULATION BETWEEN MECHANICAL & CLASSROOM WALLS
- INDICATES 6" METAL STUD WALLS WITH 5/8" GYPSUM BOARD WALLS WITH 5.5" BATT ISULATION TO UNDERSIDE OF DECK TYPICAL BETWEEN CLASSROOMS & WHERE NOTED ON PLAN
- INDICATES 3-5/8" METAL STUD WALL WITH 5/8" GYPSUM BOARD ON EACH SIDE TEXTURED & PAINTED. EXTEND WALL 12" ABOVE CEILING
- AT CORRIDOR A105 & A118 IN ADMINISTRATION AREA PROVIDE 3-5/8" METAL STUD WALL WITH 5/8" TYPE "X" GYPSUM BOARD ON EACH SIDE TEXTURED & PAINTED. EXTEND WALL & GYPSUM BOARD TO UNDERSIDE OF METAL DECK
  ALL PENETRATIONS THRU THIS WALL SHALL BE FIRE SEALED

LEGEND:

RUBBER	RUBBER BASE
PTD	PAINTED
CMU/PTD	CONC. MASONRY UNIT PAINTED
CONC.	SEALED CONCRETE
MTL PANL	METAL SOFFIT PANELS
C.T.	CERAMIC TILE BY DALTILE
V.C.T. I	VINYL COMPOSITE TILE BY MANNINGTON "SOLIDPOINT" PREMIUM VISUAL TILE
CPT	CARPET TILE AS SPECIFIED
STAINED	ACID STAIN CONCRETE SURFACE

30,953 BUILDING S.F. (AIR CONDITIONED AREA)
1187.00 ENTRY & PATIO S.F.
32,140 TOTAL S.F.

ALL WALLS TO BE PAINTED UNLESS NOTED OTHERWISE

ROOM FINISH SCHEDULE

THIS SCHEDULE BASED ON PLAN NORTH ORIENTATION

ROOM	ROOM NAME	BASE	FLR.	WALLS N	WALLS S	WALLS E	WALLS W	CLG.	CLG. HEIGHTS	REMARKS
A100	ENTRY		STAINED	PLASTER	GLZD CMU	GLZD CMU	GLZD CMU	METAL	10'-4"	
A101	LOBBY	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC II	10'-0"	
A102	PRINCIPAL 1	RUBBER	CPT.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A103	CONFERENCE	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	10'-0"	
A104	RECEPTION	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	10'-0"	
A105	CORRIDOR	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC II	10'-0"	
A106	PRINCIPAL 2	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A107	PRINCIPAL ASSISTANT	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A108	DIRECTOR	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A109	BUSINESS CLERK	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A110	OFFICE	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
		BASE	FLR.	N	S	E	W			
A111	MALE STAFF	C.T.	C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A112	FEMALE STAFF	C.T.	C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A113	NURSE	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A114	FACILITY TRANS.	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A115	PEIMS	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A116	COUNSELOR	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A117	WORKROOM	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A118	CORRIDOR	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC II	10'-0"	
A119	CORRIDOR	RUBBER	V.C.T.	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC II	10'-0"	
A120	ENTRY		STAINED				BRICK	METAL	10'-4"	
		BASE	FLR.	N	S	E	W			
A121	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	GYP/PTD	SAC I	9'-8"	
A122	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A123	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A124	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	CMU/PTD	SAC I	9'-8"	

ALL WALLS TO BE PAINTED UNLESS NOTED OTHERWISE

ROOM FINISH SCHEDULE CONT.

THIS SCHEDULE BASED ON PLAN NORTH ORIENTATION

ROOM	ROOM NAME	BASE	FLR.	WALLS N	WALLS S	WALLS E	WALLS W	CLG.	CLG. HEIGHTS	REMARKS
A125	MECHANICAL	4" PTD	CONC	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	OPEN	
A126	RISER	4" PTD	CONC.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	OPEN	
A127	CUSTODIAN	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	CMU/PTD	SAC I	9'-8"	
A128	BOYS	C.T.	C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A129	GIRLS	C.T.	C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A130	LIBRARY	RUBBER	CPT	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	VARIES	REFERENCE RCP
		BASE	FLR.	N	S	E	W			
A131	READING AREA	RUBBER	CPT	CMU/GLZD	CMU/GLZD	CMU/GLZD	CMU/GLZD	GYP	14'-8"	
A132	OFFICE	RUBBER	CPT	GYP/PTD	GYP/PTD	GYP/PTD	GYP/PTD	SAC I	9'-4"	
A133	IDF	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	GYP/PTD	SAC IV	10'-0"	
A134	BOYS	C.T.	C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A135	MECHANICAL	4" PTD	CONC.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	OPEN	
A136	CORRIDOR	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC II	10'-0"	
A137	CORRIDOR	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC II	10'-0"	
A138	GIRLS	C.T.	C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A139	ELECTRICAL ROOM		CONC	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	VARIES	
A140	WORKROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC I	9'-4"	
		BASE	FLR.	N	S	E	W			
A141	FEMALE STAFF	C.T.	C.T	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A142	MALE STAFF	C.T.	C.T	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC III	8'-8"	6'-0" C.T. WAINSCOT
A143	CORDIOR	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC II	10'-0"	
A144	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	GYP/PTD	SAC I	9'-8"	
A145	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	GYP/PTD	SAC I	9'-8"	
A146	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A147	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A148	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A149	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A150	CORDIOR	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	SAC I	10'-0"	
		BASE	FLR.	N	S	E	W			
A151	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A152	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A153	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A154	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A155	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	GYP/PTD	SAC I	9'-8"	
A156	CLASSROOM	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	GYP/PTD	CMU/PTD	SAC I	9'-8"	
A157	ENTRY		CONC.			BRICK		METAL	10'-4"	
A158	COVERED AREA		STAINED		BRICK			METAL	XXXX	
A159	LIBRARY	RUBBER	V.C.T.	CMU/PTD	CMU/PTD	CMU/PTD	CMU/PTD	EXPOSED	VARIES	

REVISIONS	BY

GMS ARCHITECTS

1150 paredes line rd.
brownsville
texas 78526
(956) 546-0110
fax (956) 546-0196

BROWNSVILLE
TEXAS

MCALLEN CAMPUS - PHASE I

CLASSROOM BUILDING

MCALLEN, TEXAS

IDEA Public Schools

REGISTERED ARCHITECT DAVID MENDEZ 75183 STATE OF TEXAS

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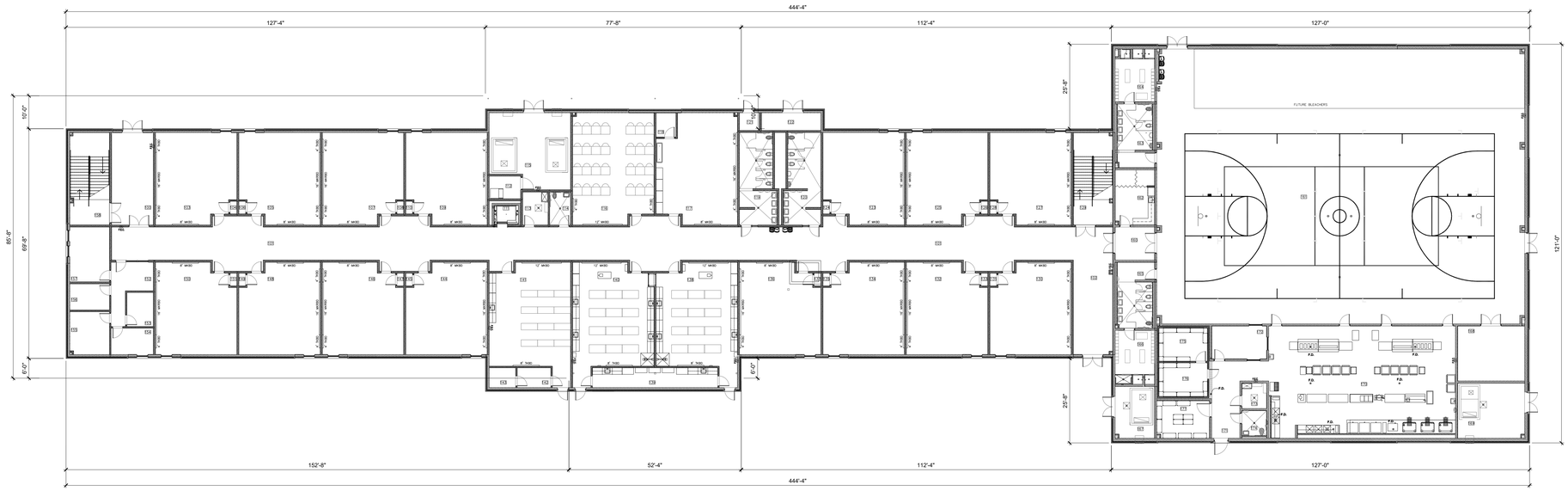
Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date: JULY 2011
Scale: As Noted
Project Architect: DAVID MENDEZ, AIA
Drawn By: I.OCHOA
R. BORRAYO J.ALVARADO
Job No. M5004910

Sheet: A2.01

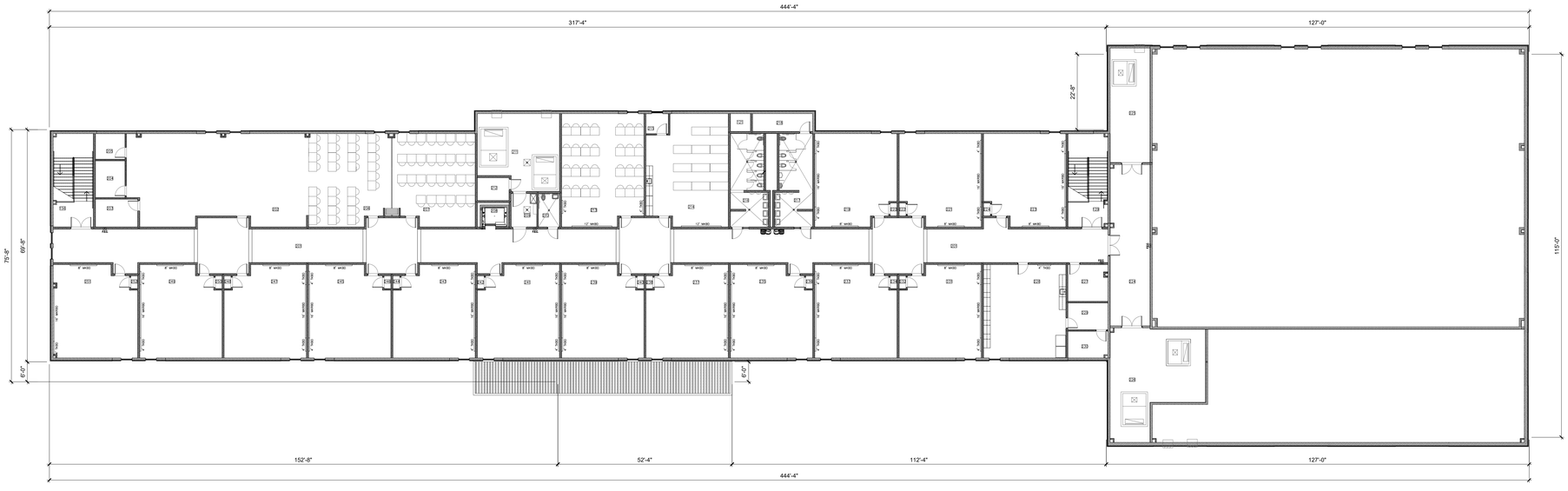
Jul 08, 2011 - 10:59am__V:\2004\01\D - Site Museum Phase 1\A2.01.dwg

EXISTING PHASE 2 MIDDLE SCHOOL FLOOR PLAN



FIRST FLOOR
01 FLOOR PLAN
SCALE: 1/8" = 1'-0"

NORTH



SECOND FLOOR
01 FLOOR PLAN
SCALE: 1/8" = 1'-0"

NORTH

No.	REVISIONS	BY

GMS ARCHITECTS

1150 Paredes Line Rd.
Brownsville TX 78526
(956) 546-0110
fax (956) 546-0196

MC ALLEN C A M
CAMPUS ADDITIONS
MC ALLEN, TEXAS

IDEA Public Schools

REGISTERED ARCHITECT
RUDY V GOMEZ
4765
8-21-12

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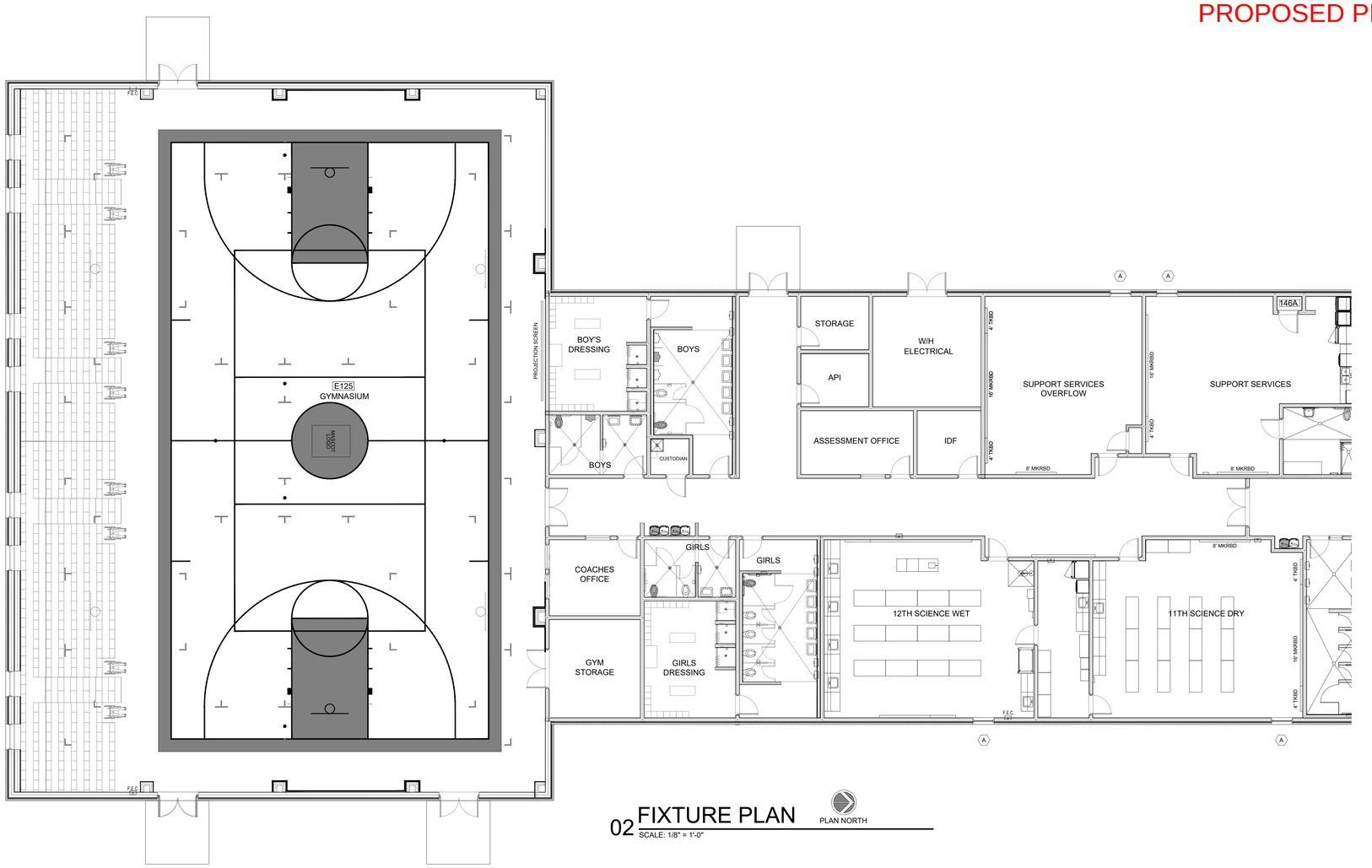
Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date:	JUNE 2012
Scale:	As Noted
Project Architect:	RUDY V GOMEZ, AIA
Drawn By:	Roan Gomez
Job No.	
Sheet:	A2.00

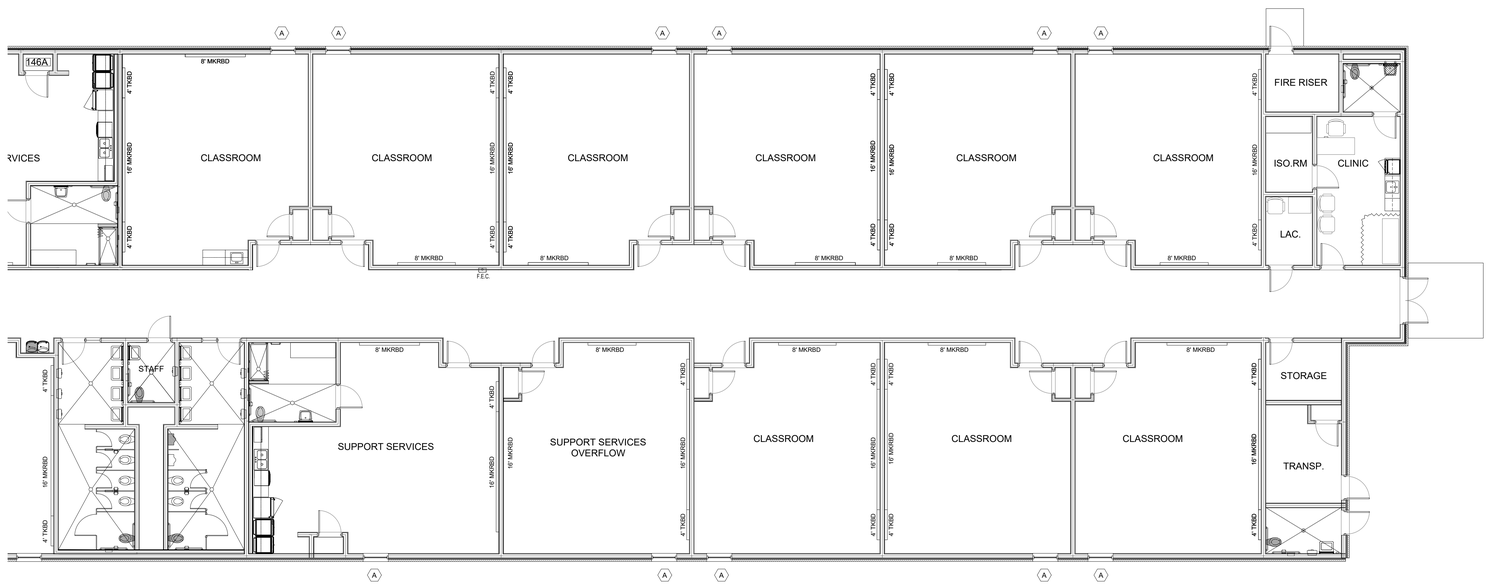
PROPOSED PHASE 3 HIGH SCHOOL FLOOR PLAN



02 FIXTURE PLAN

SCALE: 1/8" = 1'-0"

PLAN NORTH



No.	REVISIONS	BY

GMS ARCHITECTS

1150 Paredes Line Rd.
Brownsville TX 78526
(956) 546-0110
fax (956) 546-0196

IDEA Public Schools

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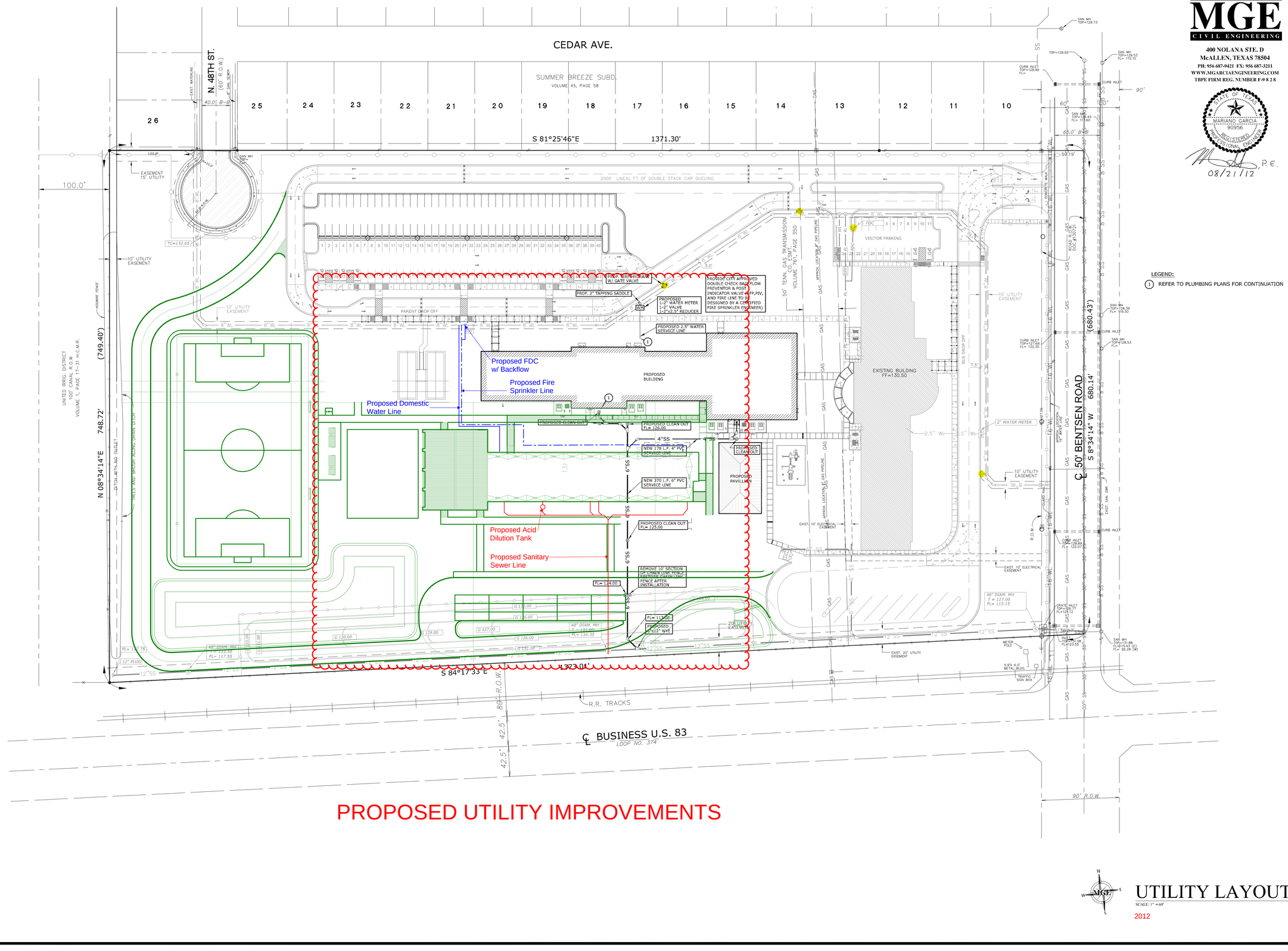
Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date:	December, 2025
Scale:	As Noted
Project Architect:	Roan G. Gomez
Drawn By:	J.Alvarado
Job No.	2025 IDEA Phase III - RGV
Sheet:	A2.02



PROPOSED UTILITY IMPROVEMENTS

M.GARCIA ENGINEERING
MGE
CIVIL ENGINEERING
400 NOLANA STE. D
McALLEN, TEXAS 78504
PH: 956 687-9421 FX: 956 687-3211
WWW.MGARCIAENGINEERING.COM
TBPE FIRM REG. NUMBER F-9 8 2 8
STATE OF TEXAS
MARIANO GARCIA
90956
REGISTERED PROFESSIONAL ENGINEER
08/21/12
P.E.

REVISIONS	BY

GMS ARCHITECTS
1150 paredes line rd.
brownsville
texas 78526
(956) 546-0110
fax (956) 546-0196

BROWNSVILLE
TEXAS

MCALLEN CAMPUS - PHASE II
CLASSROOM BUILDING
MCALLEN, TEXAS

IDEA Public Schools

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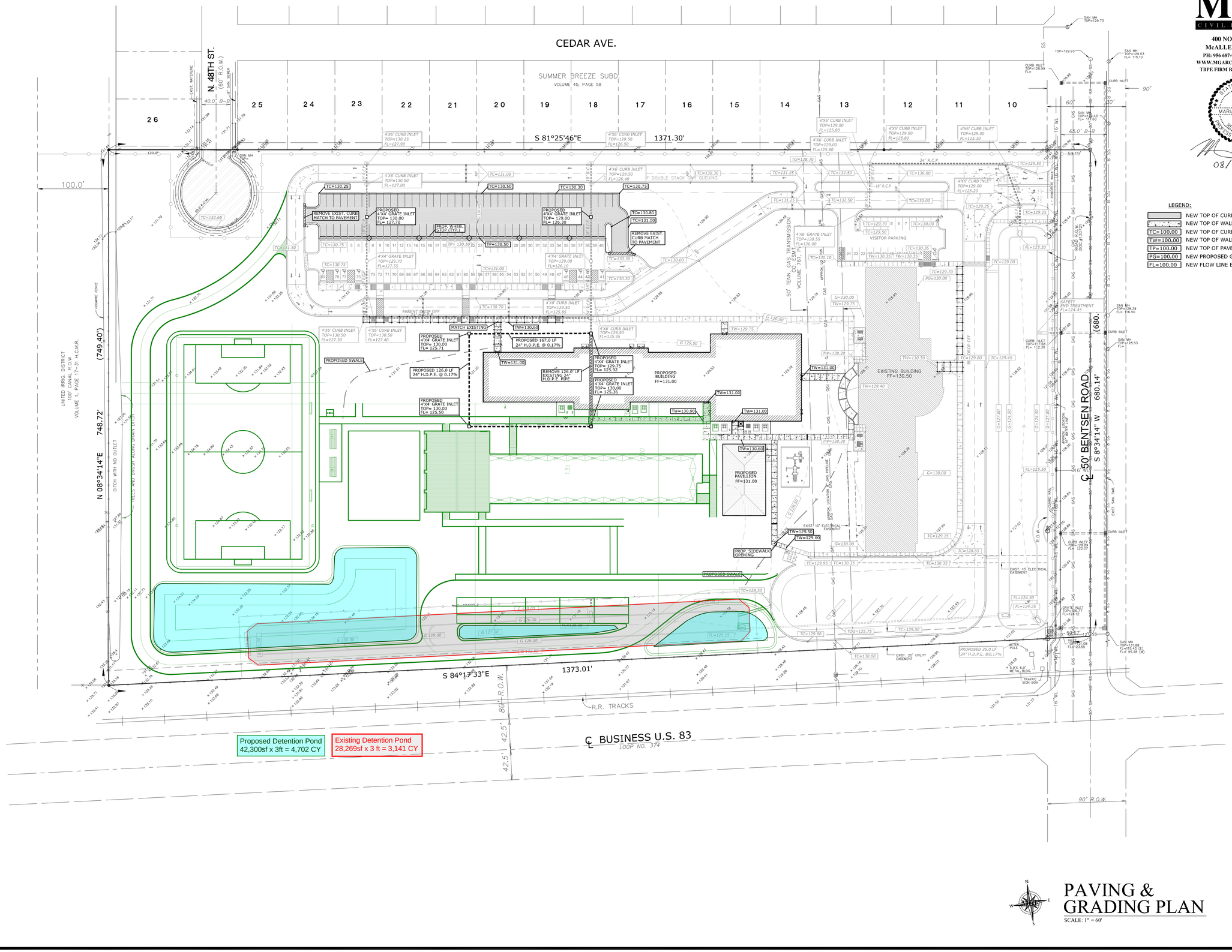
Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date:	August 21, 2012
Scale:	As Noted
Engineer:	MARIANO GARCIA, P.E.
Drawn By:	E.M.
Job No.	12-230
Sheet:	C 3.0

UTILITY LAYOUT
SCALE: 1" = 60'
2012



PAVING & GRADING PLAN

SCALE: 1" = 60'

LEGEND:

	NEW TOP OF CURB ELEVATION
	NEW TOP OF WALK ELEVATION
TC=100.00	NEW TOP OF CURB ELEVATION
TW=100.00	NEW TOP OF WALK ELEVATION
TP=100.00	NEW TOP OF PAVEMENT ELEVATION
PG=100.00	NEW PROPOSED GRADE ELEVATION
FL=100.00	NEW FLOW LINE ELEVATION

REVISIONS	BY

M. GARCIA ENGINEERING
MGE
CIVIL ENGINEERING
400 NOLANA STE. D
McALLEN, TEXAS 78504
PH: 956 687-9421 FX: 956 687-3211
WWW.MGARCIAENGINEERING.COM
TBPE FIRM REG. NUMBER F-9 8 2 8

STATE OF TEXAS
MARIANO GARCIA
90956
REGISTERED
PROFESSIONAL ENGINEER
08/21/12

GMS ARCHITECTS
1150 paredes line rd.
brownsville
texas 78526
(956) 546-0110
fax (956) 546-0196

BROWNSVILLE
TEXAS

MCALLEN CAMPUS - PHASE II
CLASSROOM BUILDING
MCALLEN, TEXAS

IDEA Public Schools

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Gomez Mendez Saenz Inc.
Architects-Planners
Interior Designers

Date:	August 21, 2012
Scale:	As Noted
Engineer:	MARIANO GARCIA, P.E.
Drawn By:	E.M.
Job No.	12-230
Sheet:	C 4.0

CUP2025-0124
NOTICE
INSTITUTIONAL
USE FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Planning Department

Memo

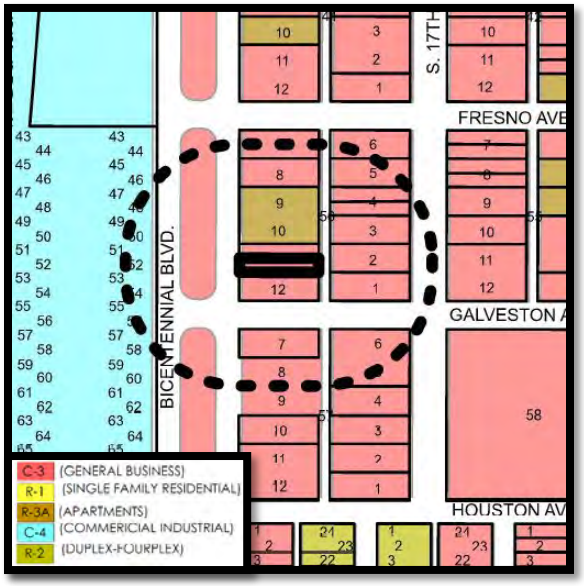
TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF FERMIN LEIJA JR., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, FOR A SINGLE FAMILY DWELLING AT THE SOUTH ½ OF LOT 11, BLOCK 56, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 619 SOUTH BICENTENNIAL BOULEVARD. (CUP2025-0125)**

BRIEF DESCRIPTION: The property is located along the east side of South Bicentennial Boulevard. The subject property is zoned C-3 (General Business-OC) District. The adjacent zonings are C-3 (General Business District -OC) in all directions. Surrounding land uses include, Single-Family homes, commercial uses, vacant land and a motel. A single-family dwelling is allowed within a C-3 (General Business -OC) District with a Conditional Use Permit (CUP) and in compliance with requirements.



HISTORY: A Certificate of Compliance for this property was approved on November 28, 2025.

SUMMARY/ANALYSIS: The applicant intends to demolish the existing home and construct a new home on this property. A building permit application for the proposed house has not been submitted. A CUP application for a single-family dwelling for the subject property was submitted on December 10, 2025. The Fire Department inspection is still pending.

The proposed residence must comply with the following requirements:

1) No form of pollution shall emanate beyond the immediate property line of the permitted use;

2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use; and

3) In a C-3 District, a single family dwelling shall be located on a minimum lot size of 5,000 sq. ft. and in compliance with setbacks of the respective zoning district. The subject property is 3,500 sq. ft.

Should the Conditional Use Permit be approved, it will be subject to compliance with Sections 138-118 and 138-238 of the Zoning Ordinance, Fire Department and Building Permit requirements.

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

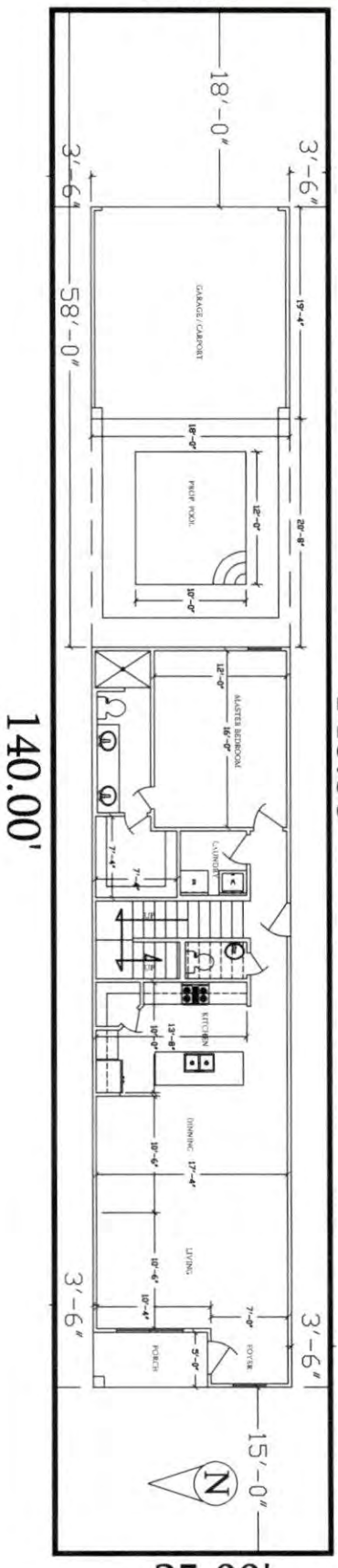
RECOMMENDATION: Staff recommends disapproval of the request due to not meeting the minimum lot size requirement of 5,000 square feet.

CUP2025-0125
NOTICE
SINGLE FAMILY
DWELLING
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

RECEIVED
DEC 10 2025
By VC

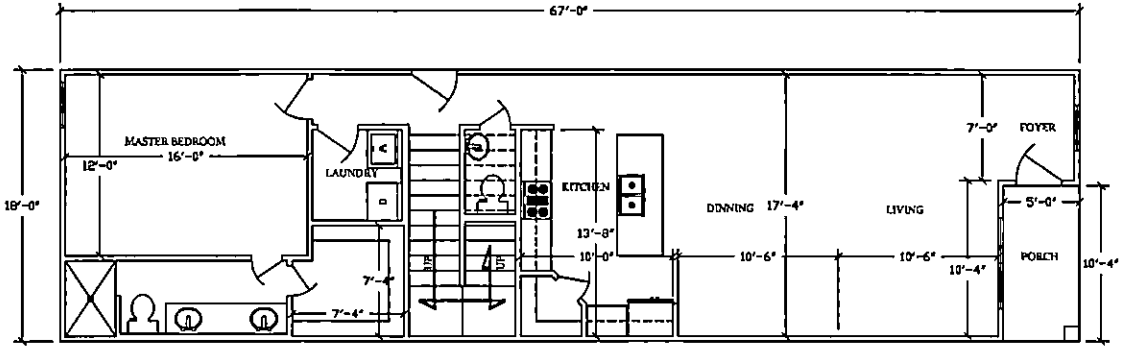
EXIST. ALLEY

25.00'



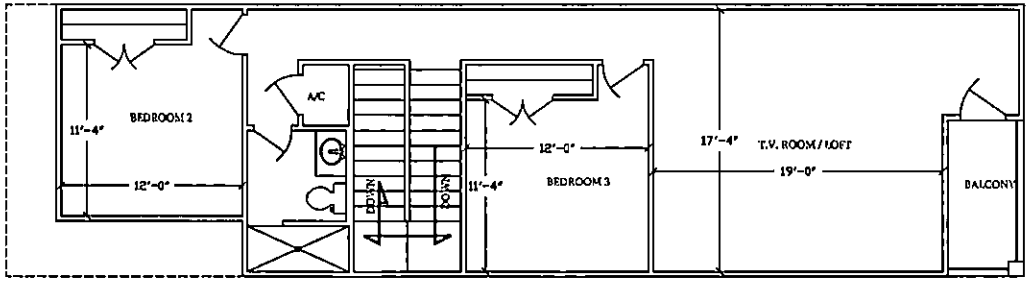
25.00'

BICENTENNIAL BLVD.



FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

AREAS:	
FIRST FLOOR LIVING AREA	1,154 SQ. FT.
SECOND FLOOR LIVING AREA	1,049 SQ. FT.
TOTAL LIVING AREA	2,203 SQ. FT.
GARAGE / CARPORT	348 SQ. FT.
BALCONY	52 SQ. FT.
PORCH	52 SQ. FT.
TOTAL AREA	2,655 SQ. FT.

PLANS FOR:
619 S. BICENTENNIAL BLVD.
MCALLEN TX.

MAR-BET DRAFTING & DESIGN
McALLEN, TEXAS
TEL. (956) 905-9591

PAGE NO.
6/6

PLAN NO.
25-2541

Planning Department

Memo

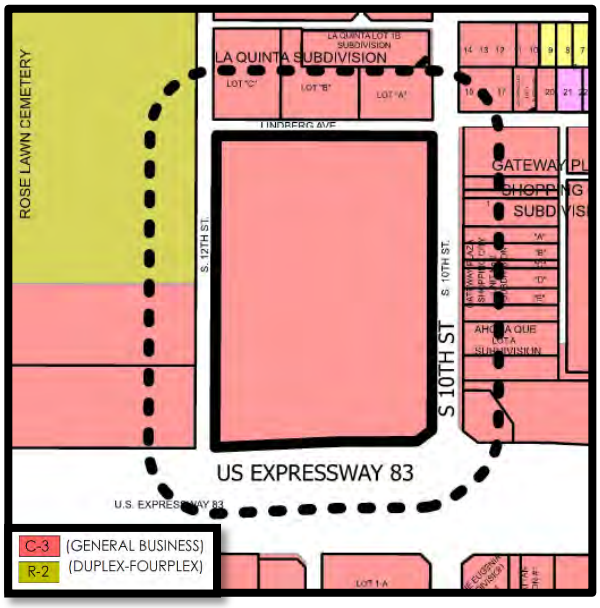
TO: Planning and Zoning Commission

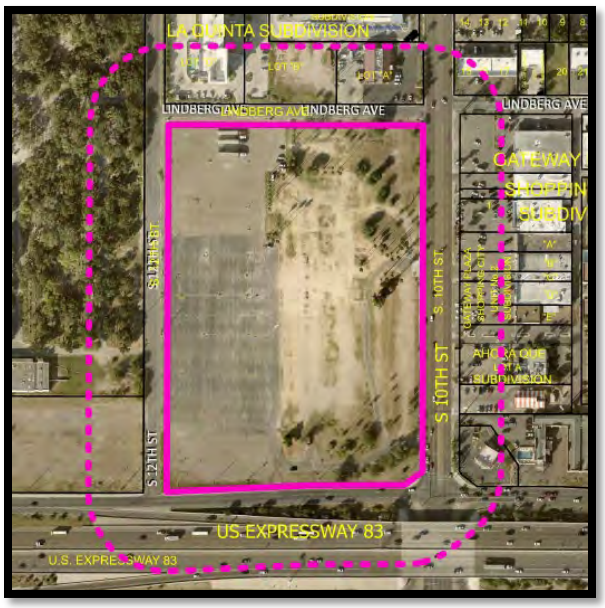
FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF MICHAEL FALLEK FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR A PLANNED UNIT DEVELOPMENT AT 13.661 ACRES OUT OF LOT 9 & 16 SECTION 7, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 1300 SOUTH 10TH STREET (CUP2025-0126)**

BRIEF DESCRIPTION: The subject property is located on the northwest corner of South 10th Street and U.S. Expressway 83. The property is zoned C-3 (General Business-OC) District. The adjacent zoning is C-3 (General Business-OC) District in all directions and R-2 (Duplex-Fourplex Residential-OC) District to the west. Surrounding land uses include hotels, restaurants, commercial and a cemetery.





HISTORY: A Conditional Use Permit application for a PUD on the subject property was first submitted on January 6, 2015, which was approved at the City Commission meeting of April 27, 2015. At the time, the PUD was approved with 14 proposed buildings on site. These buildings proposed retail, restaurant, and hotel uses. An application for a proposed subdivision was submitted on April 6, 2023 for a 7-lot development under the name of "McAllen City Center" and was approved in final form at the Planning and Zoning Commission meeting of February 4, 2025. The PUD was amended at the City Commission meeting of June 24, 2024.

ANALYSIS: The applicant is proposing to use the existing 13.661 gross acres of vacant land to establish a PUD for a Planed shopping center and retail food and beverage stores. Under the currently approved PUD, Lots 5 and 6 were designated for a parking garage and hotel use. The applicant is now proposing to amend the PUD to modify the approved use of these lots. The revised site plan proposes

the use of Lots 5 and 6 for surface parking only. 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 in Section 2.3.4 for Planned Developments of the Unified Development Code, 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 C-3 (General Business-OC) District for a shopping center, food and beverage stores.

3. OFF-STREET PARKING AND LOADING: Except as provided, parking and loading must comply with City of McAllen parking requirement;
    a. Due to the mixed-use nature of the development, shared parking and parking reductions may be approved at the time of development by the director, based on recognized standards from Urban Land Institute, Institute of Transportation Engineers, or other parking data from acceptable publications.
    b. Parallel parking is allowed in or adjacent to Lindberg Street right-of-way.
    c. Alternate parking locations may be approved by the director.

4. LANDSCAPING: In General;
    a. Except as provided, landscaping must comply with City of McAllen Landscape requirements;
    b. The national monument tree that is located on PUD property, shall at Developer's sole cost and expense be relocated within the property and maintained thereafter.
    c. Heritage trees over 20 inches in DBH (diameter at breast height) will be allowed, at City's sole cost and expense, to be relocated to other City owned property.
    d. Developer will provide and thereafter maintain replacement trees with like caliper trees equal or greater caliper inch for caliper inch to the Heritage trees' caliper that will be removed to be located within the PUD property or in right-of-way abutting the PUD property.
    e. Landscaping must be provided in compliance with the conditional use permit conceptual site and landscaping plan.
    f. The director may authorize changes to the approved conceptual site and landscaping plan.

    Landscape Buffers: Landscape buffers may be provided as follows and as shown on the conceptual landscaping plan:
    a. On the 1-2 Access Road a continuous landscaping strip is required.
    b. On South 12th Street and on Lindberg Avenue no landscaping strip is required.
    c. On South 10th Street, surface parking may project into the required landscaping strip.

    Credit for trees; Tree calculations on conceptual site and landscaping plan are approximate. The director may allow for additional tree credit and may approve alternate tree species and caliper.

5. SIGNS:
    a. Except as provided, signs must comply with City of McAllen ordinances.
    b. The property shall be considered one lot for purposes of signage.
    c. Unless otherwise authorized herein, off premise signs are prohibited.

    Additionally permitted signs: The following signs are also permitted;
        1. Building wrap signs. Upon substantial completion of the PUD, building wrap signs are authorized for an initial six (6) month period after the date Developer, or its authorized

agent, submits a written notice, including but not limited to the signs' construction start and completion dates, to the Planning Director. Advertising on building wrap signs shall be limited to advertise on-site events during the initial six-month period described herein. Additional review and approval by the City of McAllen is required for authorization of building wrap signs beyond the initial six (6) month period described herein.

2. Project identity signs.
3. Tenant identification signs.

6. STREETS AND SETBACKS: Final setbacks and right-of-way dedication have been established through the recording of the subdivision plat.

7. DRAINAGE: Except as provided herein, drainage must be in accordance with the City of McAllen Standard Design Guide. Drainage on the PUD property must comply with the approved drainage plan Final drainage detention and design will be approved by City prior to issuance of a building permit for vertical construction.

8. REPUDATION AND TERMINATION OF PUD: City of McAllen, through the city commission, reserves the right to terminate and repeal this ordinance creating the PUD and accompanying concept plan and development standards described herein, by resolution passed by the city commission, any time such termination and repeal becomes necessary. The determination by the city commission of the need for termination and repeal is final and binding and the provisions of this ordinance will be of no further force and effect thereafter.

9. ADDITIONAL PROVISIONS:

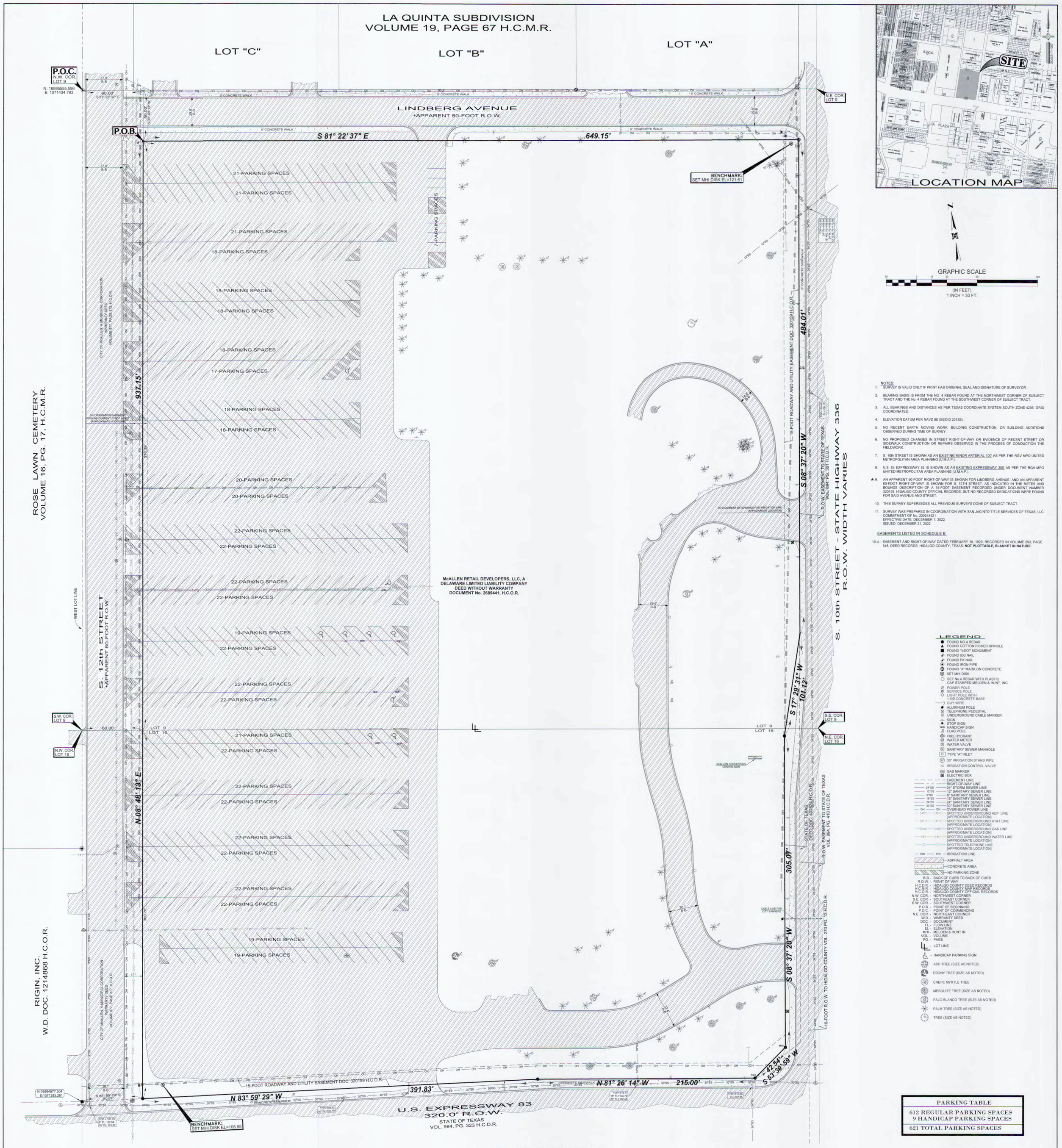
    a. This district is considered a commercial zoning district.
    b. Excluding South 12th Street and Lindberg Avenue, internal drives may be shut down for special events with the approval of the director.
    c. If there is a conflict with the City's Code of Ordinances and this ordinance, this ordinance controls.
    d. Any persons, jointly or severally, aggrieved by any decision of the director, may present to the Planning and Zoning Commission objections in the form of a petition for review, setting forth that such decision is unjust, in whole or part, and specifying the grounds for injustice. The aggrieved party must submit the petition to the City's Planning Department within ten days after the director's final decision, and not thereafter. Such a review shall be scheduled at the next available Planning and Zoning Commission meeting. After reviewing the contents of the petition, the Planning and Zoning Commission shall adopt a recommendation and submit such to the Board of Commissioners, Thereafter, upon reviewing the recommendation issued by the Planning and Zoning Commission and the petition presented, the Board of Commissioners will make a final determination on the petition at the next regular meeting of the Board of Commissioners.

10. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan.

Building permit issuance is subject to approval of the current submittal for a PUD amendment.

Staff has not received 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.



NOTES:

1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
2. BEARING BASIS IS FROM THE NO. 4 REBAR FOUND AT THE NORTHWEST CORNER OF SUBJECT TRACT AND THE No. 4 REBAR FOUND AT THE SOUTHWEST CORNER OF SUBJECT TRACT.
3. ALL BEARINGS AND DISTANCES AS PER TEXAS COORDINATE SYSTEM SOUTH ZONE 4205, GRID COORDINATES.
4. ELEVATION DATUM PER NAVD 88 (GEOID 2012B).
5. NO RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED DURING TIME OF SURVEY.
6. NO PROPOSED CHANGES IN STREET RIGHT-OF-WAY OR EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTION THE FIELDWORK.
7. S. 10th STREET IS SHOWN AS AN EXISTING MINOR ARTERIAL 100' AS PER THE RGV MPO UNITED METROPOLITAN AREA PLANNING (U.M.A.P.).
8. U.S. 83 EXPRESSWAY 83 IS SHOWN AS AN EXISTING EXPRESSWAY 350' AS PER THE RGV MPO UNITED METROPOLITAN AREA PLANNING (U.M.A.P.).
9. ★ AN APPARENT 50-FOOT RIGHT-OF-WAY IS SHOWN FOR LINDBERG AVENUE, AND AN APPARENT 60-FOOT RIGHT-OF-WAY IS SHOWN FOR S. 12TH STREET, AS INDICATED IN THE METES AND BOUNDS DESCRIPTION OF A 15-FOOT EASEMENT RECORDED UNDER DOCUMENT NUMBER 320159, HIDALGO COUNTY OFFICIAL RECORDS, BUT NO RECORDED DEDICATIONS WERE FOUND FOR SAID AVENUE AND STREET.
10. THIS SURVEY SUPERSEDES ALL PREVIOUS SURVEYS DONE OF SUBJECT TRACT.
11. SURVEY WAS PREPARED IN COORDINATION WITH SAN JACINTO TITLE SERVICES OF TEXAS, LLC COMMITMENT GF No. 22024492I
EFFECTIVE DATE: DECEMBER 1, 2022
ISSUED: DECEMBER 21, 2022

EASEMENTS LISTED IN SCHEDULE B:

10.d.- EASEMENT AND RIGHT-OF-WAY DATED FEBRUARY 16, 1929, RECORDED IN VOLUME 293, PAGE 548, DEED RECORDS, HIDALGO COUNTY, TEXAS. **NOT PLOTTABLE, BLANKET IN NATURE.**

LEGEND

- FOUND NO.4 REBAR
- FOUND COTTON PICKER SPINDLE
- FOUND TxDOT MONUMENT
- FOUND 60d NAIL
- FOUND PK NAIL
- FOUND IRON PIPE
- FOUND "X" MARK ON CONCRETE
- SET MHI DISK
- SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC
- POWER POLE
- SERVICE POLE
- LIGHT POLE WITH 1.5Ø CONCRETE BASE
- GUY WIRE
- ALUMINUM POLE
- TELEPHONE PEDESTAL
- UNDERGROUND CABLE MARKER
- SIGN
- STOP SIGN
- HANDICAP SIGN
- FLAG POLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- TYPE "A" INLET
- 36" IRRIGATION STAND PIPE
- IRRIGATION CONTROL VALVE
- GAS MARKER
- ELECTRIC BOX
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- 24"SD — 24" STORM SEWER LINE
- 12"SS — 12" SANITARY SEWER LINE
- 8"SS — 8" SANITARY SEWER LINE
- 18"SS — 18" SANITARY SEWER LINE
- 24"SS — 24" SANITARY SEWER LINE
- 30"SS — 30" SANITARY SEWER LINE
- OH — OH — OVERHEAD POWER LINE
- [ACP] — [ACP] — SPOTTED UNDERGROUND AEP LINE [APPROXIMATE LOCATION]
- [AT] — [AT] — SPOTTED UNDERGROUND AT&T LINE [APPROXIMATE LOCATION]
- [GAS] — [GAS] — SPOTTED UNDERGROUND GAS LINE [APPROXIMATE LOCATION]
- [W] — [W] — SPOTTED UNDERGROUND WATER LINE [APPROXIMATE LOCATION]
- [T] — [T] — SPOTTED TELEPHONE LINE [APPROXIMATE LOCATION]
- IRR — IRR — IRRIGATION LINE
- ASPHALT AREA
- CONCRETE AREA
- NO PARKING ZONE

B-B - BACK OF CURB TO BACK OF CURB
R.O.W. - RIGHT OF WAY
H.C.D.R. - HIDALGO COUNTY DEED RECORDS
H.C.M.R. - HIDALGO COUNTY MAP RECORDS
H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
N.W. COR. - NORTHWEST CORNER
S.E. COR. - SOUTHEAST CORNER
S.W. COR. - SOUTHWEST CORNER
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCING
N.E. COR. - NORTHEAST CORNER
W.D. - WARRANTY DEED
DOC. - DOCUMENT
FL - FLOW LINE
EL - ELEVATION
MHI - MELDEN & HUNT IN.
VOL. - VOLUME
PG. - PAGE
LOT LINE
- HANDICAP PARKING SIGN
- ASH TREE (SIZE AS NOTED)
- EBONY TREE (SIZE AS NOTED)
- CREPE MYRTLE TREE
- MESQUITE TREE (SIZE AS NOTED)
- PALO BLANCO TREE (SIZE AS NOTED)
- PALM TREE (SIZE AS NOTED)
- TREE (SIZE AS NOTED)

PARKING TABLE
612 REGULAR PARKING SPACES 9 HANDICAP PARKING SPACES
621 TOTAL PARKING SPACES

FLOOD ZONE
ZONE "B"
AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE(1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

COMMUNITY-PANEL NUMBER: 480343 0010 C
MAP REVISED: NOVEMBER 2, 1982

LEGAL DESCRIPTION

A TRACT OF LAND CONTAINING 13.661 ACRES SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS BEING A PART OR PORTION OF LOTS 9 AND 16 IN THE NORTHWEST QUARTER (1/4) OF SECTION 7 HIDALGO CANAL COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Q, PAGE 177, HIDALGO COUNTY DEED RECORDS.

METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 13.661 ACRES SITUATED IN THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, BEING A PART OR PORTION OF LOTS 9 AND 16 IN THE NORTHWEST QUARTER (1/4) OF SECTION 7, HIDALGO CANAL COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Q, PAGE 177, HIDALGO COUNTY DEED RECORDS, SAID 13.661 ACRES WERE CONVEYED TO McALLEN RETAIL DEVELOPERS, LLC, A COMPANY DELAWARE LIMITED LIABILITY COMPANY, BY VIRTUE OF A DEED WITHOUT WARRANTY, RECORDED UNDER DOCUMENT NUMBER 2689441, HIDALGO COUNTY OFFICIAL RECORDS, SAID 13.661 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT AN IRON PIPE FOUND (NORTHING: 16595555.596, EASTING: 1071434.793) FOR THE NORTHWEST CORNER OF SAID LOT 9;

THENCE, S 81° 22' 37" E ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 60.00 FEET TO A NO. 4 REBAR SET;

THENCE, S 08° 48' 13" W A DISTANCE OF 50.00 FEET TO A COTTON PICKER SPINDLE FOUND FOR THE NORTHWEST CORNER AND THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

1. THENCE, S 81° 22' 37" E ALONG A LINE PARALLEL TO AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 649.15 FEET TO AN "X" MARK CUT IN CONCRETE FOUND FOR THE NORTHEAST CORNER OF THIS TRACT;
2. THENCE, S 08° 37' 20" W ALONG THE WEST 80-FOOT RIGHT-OF-WAY LINE OF SOUTH 10TH STREET (STATE HIGHWAY 336), ACCORDING TO A RIGHT-OF-WAY EASEMENT GRANTED TO THE STATE OF TEXAS RECORDED IN VOLUME 894, PAGE 361, HIDALGO COUNTY DEED RECORDS, A DISTANCE OF 484.01 FEET TO A PK NAIL FOUND FOR AN ANGLE POINT OF THIS TRACT;
3. THENCE, S 17° 29' 31" W ALONG THE VARYING WIDTH WEST RIGHT-OF-WAY LINE OF SAID SOUTH 10TH STREET (STATE HIGHWAY 336), A DISTANCE OF 101.12 FEET TO A NO. 4 REBAR FOUND FOR AN ANGLE POINT OF THIS TRACT;
4. THENCE, S 08° 37' 20" W ALONG THE WEST 95.6-FOOT RIGHT-OF-WAY LINE OF SAID SOUTH 10TH STREET (STATE HIGHWAY 336), ACCORDING TO A DONATION DEED GRANTED TO THE STATE OF TEXAS, RECORDED UNDER DOCUMENT NUMBER 402824, HIDALGO COUNTY OFFICIAL RECORDS, A DISTANCE OF 305.07 FEET TO A NO. 4 REBAR FOUND FOR THE EASTERNMOST SOUTHEAST CORNER OF THIS TRACT;
5. THENCE, S 53° 39' 59" W ALONG A RIGHT-OF-WAY CLIP LINE, ACCORDING TO SAID DONATION DEED GRANTED TO THE STATE OF TEXAS, A DISTANCE OF 42.54 FEET TO A NO. 4 REBAR FOUND FOR THE WESTERNMOST SOUTHEAST CORNER OF THIS TRACT;
6. THENCE, N 81° 26' 14" W ALONG THE NORTH 320-FOOT RIGHT-OF-WAY LINE OF U.S. EXPRESSWAY 83, ACCORDING TO A DEED GRANTED TO THE STATE OF TEXAS, RECORDED IN VOLUME 984, PAGE 323, HIDALGO COUNTY DEED RECORDS, A DISTANCE OF 215.00 FEET TO A NO. 4 REBAR FOUND FOR AN ANGLE POINT OF THIS TRACT;
7. THENCE, N 83° 59' 29" W ALONG THE NORTH 320-FOOT RIGHT-OF-WAY LINE OF SAID U.S. EXPRESSWAY 83, ACCORDING TO SAID DEED GRANTED TO THE STATE OF TEXAS, A DISTANCE OF 391.83 FEET TO A NO. 4 REBAR FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT, WHICH SAID CORNER BEARS S 83° 59' 29" E A DISTANCE OF 60.07 FEET FROM A TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT FOUND (NORTHING: 16594577.304, EASTING: 1071283.281);
8. THENCE, N 08° 48' 13" E ALONG A LINE PARALLEL TO AND 60.00 FEET EAST OF THE WEST LINES OF SAID LOTS 16 AND 9 AND THE WEST RIGHT-OF-WAY LINE OF SOUTH 12TH STREET, AT A DISTANCE OF 360.76 FEET PASS THE NORTH LINE OF SAID LOT 16 AND THE SOUTH LINE OF SAID LOT 9, CONTINUING FOR A TOTAL DISTANCE OF 937.15 FEET TO THE POINT OF BEGINNING, AND CONTAINING 13.661 ACRES OF LAND, MORE OR LESS.

To McAllen Retail Developers, LLC , San Jacinto Title Services of Texas, LLC, and McAllen CityCenter, Ltd.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 8, 9, 11(b), 16 and 17 of Table A thereof. The field work was completed on May 16, 2022.

Date of Plat or Map: 02/13/2023

ROBERTO N. TAMEZ

R.P.L.S. No. 6238

Email: robert@meldenandhunt.com

STATE OF TEXAS — REGISTERED — ROBERTO N. TAMEZ — 6238 — PROFESSIONAL LAND SURVEYOR

Alta/Nsps Land Title Survey

JOB No. 22797.08	TITLE COMMITMENT UPDATE & ADDRESSING COMMENTS	02/13/2023	Y.B.
DRAWING DATE: 12/01/2022	IRRIGATION INFORMATION	02/03/2023	Y.B.
DRAWN BY: J.C.	TITLE COMMITMENT UPDATE & ADDRESSING COMMENTS	1/04/2022	Y.B.
File Name: 22797.08	REVISION	DATE	BY
Ref. Name: 14010.14			
T-1178, PG. 12 T-984, PG. 1-21			

MELDEN & HUNT INC.
CONSULTANTS • ENGINEERS • SURVEYORS
115 W. McINTYRE - EDINBURG, TX 78541
PH: (956) 381-0981 - FAX: (956) 381-1839
ESTABLISHED 1947 - www.meldenandhunt.com
TBPELS No.10096900

Lot No:	1			
Lot Area:	69,096	S.F. /	1.59	Ac.
Building Area:	11,193	S.F.		
Use:	Restaurant			
Landscape Provided:	9,948	+ S.F.	14.4%	of Lot Area
Tree Credits Required:	20	- (10) 4" Caliper Provided		
Parking Spaces Provided:	85	(4) Handicap		

Lot No:	2			
Lot Area:	56,858	S.F. /	1.31	Ac.
Building Area:	9,278	S.F.		
Use:	Retail / Restaurant			
Landscape Provided:	6,309	+ S.F.	11.1%	of Lot Area
Tree Credits Required:	17	- (9) 4" Caliper Provided		
Parking Spaces Provided:	60	(3) Handicap		

Lot No:	3			
Lot Area:	127,676	S.F. /	2.93	Ac.
Building Area:	27,080	S.F.	*(footprint)	
Use:	Retail / Restaurant			
Landscape Provided:	13,017	+ S.F.	10.2%	of Lot Area
Tree Credits Required:	29	- (15) 4" Caliper Provided		
Parking Spaces Provided:	184	(6) Handicap		

Lot No:	4			
Lot Area:	99,144	S.F. /	2.28	Ac.
Building Area:	16,015	S.F.		
Use:	Restaurant			
Landscape Provided:	19,357	+ S.F.	19.5%	of Lot Area
Tree Credits Required:	26	- (13) 4" Caliper Provided		
Parking Spaces Provided:	140	(5) Handicap		

Lot No:	5			
Lot Area:	51,176	S.F. /	1.17	Ac.
Building Area:	0	S.F.	--	
Use:	Surface Parking			
Landscape Provided:	8,962	+ S.F.	17.5%	of Lot Area
Tree Credits Required:	16	- (8) 4" Caliper Provided		
Parking Spaces Provided:	97			

Lot No:	6			
Lot Area:	66,175	S.F. /	1.52	Ac.
Building Area:	--	S.F.	--	
Use:	Surface Parking			
Landscape Provided:	21,443	+ S.F.	32.4%	of Lot Area
Tree Credits Required:	19	- (10) 4" Caliper Provided		
Parking Spaces Provided:	76	(4) Handicap		

Lot No:	7			
Lot Area:	124,965	S.F. /	2.87	Ac.
Building Area:	17,924	S.F.	*(footprint)	
Use:	Hotel			
Landscape Provided:	13,927	+ S.F.	11.1%	of Lot Area
Tree Credits Required:	29	- (15) 4" Caliper Provided		
Parking Spaces Provided:	164	(6) Handicap		

TOTAL SITE:
NET AREA: 595,090 S.F. / 13.66 AC.
TOTAL LANDSCAPE: 92,963+ S.F. 15%+ OF SITE AREA
TREE CREDITS REQUIRED: 156
TREES PROVIDED: 78 (4" CALIPER)
TOTAL BUILDING AREA: 81,490,S.F. (footprints)
TOTAL PARKING: 806

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS SITE PLAN AND DESIGNATED AS PLANNED UNIT DEVELOPMENT FOR MCALLEN CITY CENTER, CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY ADOPT THIS PLAN AS APPROVED BY THE MCALLEN CITY COMMISSION

MCALLEN CITYCENTER LTD,
A TEXAS LIMITED PARTNERSHIP

MICHAEL FALLEK
4316 N. 10TH STREET
MCALLEN, TEXAS 78504

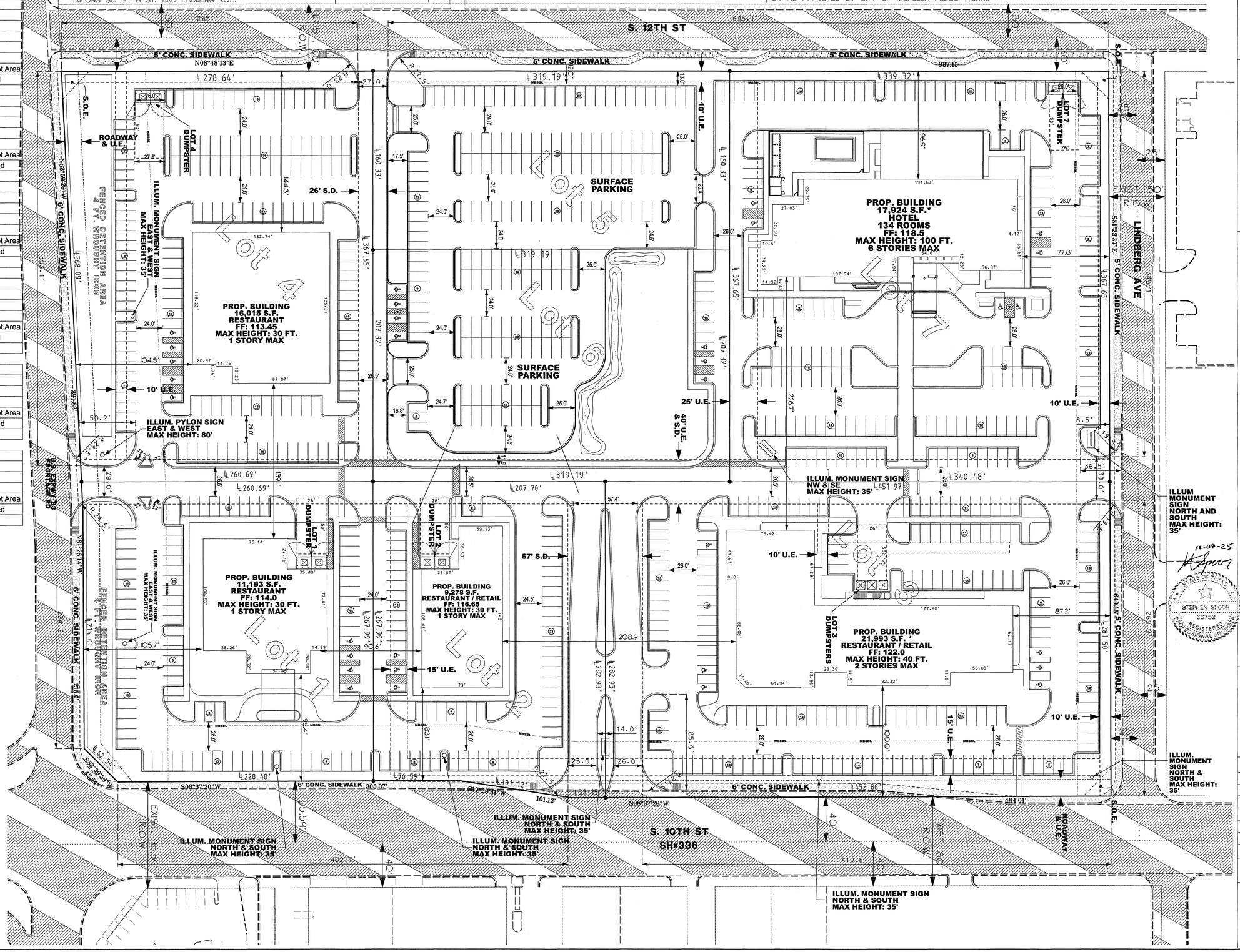
STATE OF TEXAS
COUNTY OF HIDALGO

I, STEPHEN SPOOR, A LICENSED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, LICENSE NO. 56752 DO HEREBY CERTIFY THAT THIS P.U.D. SITE PLAN HAS BEEN GIVE PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

REGISTERED PROFESSIONAL ENGINEER
P.E. REGISTRATION NO. 56752

NOTES:

1. MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
A. So. 10TH STREET - 50 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
B. EXPRESSWAY 83 - 75 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
C. So. 12TH ST. - 10 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
D. LINDBERG AVE. - 30 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
E. OTHERS - ACCORDING TO ZONING ORDINANCE OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
2. A 5 FOOT (MINIMUM) WIDE SIDEWALK IS REQUIRED ALONG So 10 TH ST. AND U.S. EXPRESSWAY 83 AND A 4 FOOT (MINIMUM) WIDE SIDEWALK IS REQUIRED ALONG So. 12 TH ST. AND LINDBERG AVE.
3. A 6 FT. OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES / USES. AN 8 FT. MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES / USES.
4. SITE PLAN APPROVAL PER LOT IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE
5. ALL STANDARD PARKING SPACES SHOWN ARE 9 FT. BY 18 FT. HANDICAP SPACES ARE 8 FT. BY 18 FT.
6. PLANNED UNIT DEVELOPMENT FOR MCALLEN CITY CENTER, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN CLERK'S FILE NO. _____ OF THE REAL PROPERTY RECORDS OF HIDALGO COUNTY, TEXAS.
7. SURFACE PARKING ON LOTS 5 AND 6 TO BE SHARED PARKING FOR ALL LOTS.
8. U.E. = UTILITY EASEMENT / S.D. = PRIVATE ACCESS & SERVICE DRIVE EASEMENT / S.O.E. = 25'X25' SIGHT OBSTRUCTION EASEMENT
9. ALL SOLID WASTE ENCLOSURES TO BE IN ACCORDANCE WITH CITY OF MCALLEN DETAIL 401-SINGLE DUMPSTER ENCLOSURE OR 402-DUAL DUMPSTER ENCLOSURE - OR AS APPROVED BY CITY OF MCALLEN PUBLIC WORKS



1"=40'

DEC. 8, 2025

SHEET NUMBER
S-1.0
PLAN UNIT DEVELOPMENT FOR MCALLEN CITY CENTER

9YARDS
ARCHITECTS

Prepared by:
Spoor Engineering Consultants, Inc.
Consulting Engineers - Civil Land Planning
202 South 4th. Street McAllen, Texas 78501 (956) 683 1000
SEC@spooreng.com FIRM # F-6003

McAllen CITY CENTER
1300 S. 10TH STREET
MC ALLEN, TEXAS

Lot No:	1			
Lot Area:	69,096	S.F. /	1.59	Ac.
Building Area:	11,193	S.F.		
Use:	Restaurant			
Landscape Provided:	9,948	+ S.F.	14.4%	of Lot Area
Tree Credits Required:	20	- (10) 4" Caliper Provided		
Parking Spaces Provided:	85	(4) Handicap		

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Lot Area:	56,858	S.F. /	1.31	Ac.
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Use:	Retail / Restaurant			
Landscape Provided:	13,017	+ S.F.	10.2%	of Lot Area
Tree Credits Required:	29	- (15) 4" Caliper Provided		
Parking Spaces Provided:	184	(6) Handicap		

Lot No:	4			
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Use:	Restaurant			
Landscape Provided:	19,357	+ S.F.	19.5%	of Lot Area
Tree Credits Required:	26	- (13) 4" Caliper Provided		
Parking Spaces Provided:	140	(5) Handicap		

Lot No:	5			
Lot Area:	51,176	S.F. /	1.17	Ac.
Building Area:	0	S.F.	--	
Use:	Surface Parking			
Landscape Provided:	8,962	+ S.F.	17.5%	of Lot Area
Tree Credits Required:	16	- (8) 4" Caliper Provided		
Parking Spaces Provided:	97			

Lot No:	6			
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Lot No:	7			
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Parking Spaces Provided:	164	(6) Handicap		

TOTAL SITE:
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TOTAL LANDSCAPE: 92,963+ S.F. 15%+ OF SITE AREA
TREE CREDITS REQUIRED: 156
TREES PROVIDED: 78 (4" CALIPER)
TOTAL BUILDING AREA: 81,490,S.F. (footprints)
TOTAL PARKING: 806

NOTES:

1. AREAS IN RIGHT OF WAY REQUIRED TO BE DRIP IRRIGATED

2. INTERNAL LANDSCAPE AREAS MAY BE DRIP OR SPRAY

3. TREES SHOWN ARE 4" CALIPER

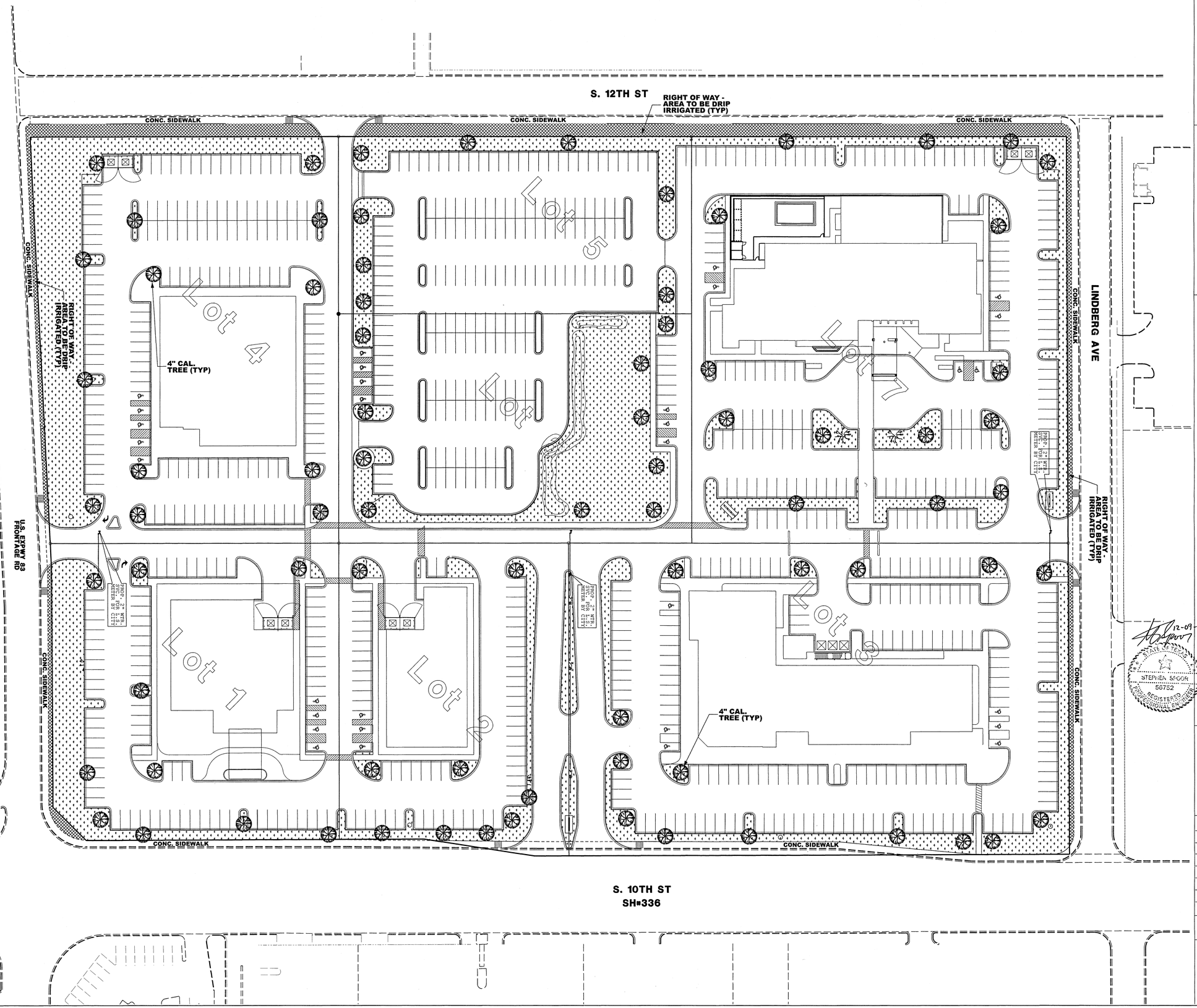
4. LOCATION AND TYPE OF TREES SUBJECT TO CHANGE - 156 TREE CREDITS MUST BE PROVIDED

LEGEND

DRIP OR SPRAY (LANDSCAPE AREA)

DRIP IRRIGATION (LANDSCAPE AREA)

4" CALIPER TREE



9YARDS
ARCHITECTS

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McAllen
CITY CENTER
MC ALLEN, TEXAS
1300 S. 10TH STREET

12-09-25
STATE OF TEXAS
STEPHEN SPOOR
56752
REGISTERED PROFESSIONAL ENGINEER

N
1"=40'

DEC. 8, 2025

SHEET NUMBER
S-2.0
LANDSCAPE IRRIGATION AND TREE PLAN

Planning Department

Memo

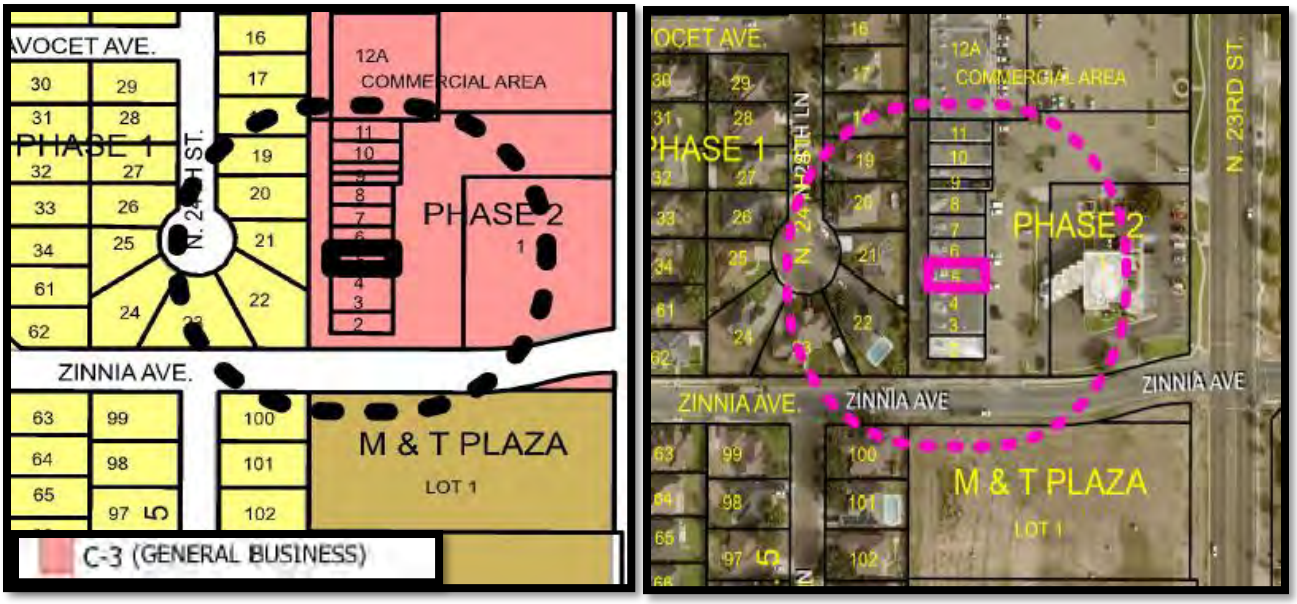
TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF JORGE G. MARTINEZ FOR A CONDITIONAL USE PERMIT FOR TWO YEARS, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOT 5A, KINGWOOD ESTATES PH 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 5243 NORTH 23RD STREET. (CUP2025-0119)**

BRIEF DESCRIPTION: The subject property is located along North 23rd north of Zinnia Avenue. The property is zoned C-3 (General Business-OC) District. Surrounding land uses are C-3 (General Business-OC) District to the north and east, R-1 (Single-Family Residential-OC) District to the west and R-3A (Multi-family Residential Apartment-OC) to the south. An event center is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



HISTORY: The first Conditional Use Permit for this location was originally approved by City Commission on March 14, 2022 for a one-year term. The current permit was approved for a two-year term and expired on January 9, 2026. The applicant submitted an application on December 1, 2025 and is requesting a two-year term. The proposed days and hours of operation are to be from 10:00 AM to 10:00 PM Monday through Sunday.

ANALYSIS: The Fire Department completed their inspection and have determined the property is in compliance. As per Section 138-400 of the Zoning Ordinance, the parking lot must be properly striped and free of potholes. The business must meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The subject property is within 400 feet of single-family residential properties.

2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The subject property has frontage along Zinnia Avenue and North 23rd Street.;

3) The abovementioned businesses 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. The 2,340 square feet commercial suite requires twenty three parking spaces, which is provided within 55 shared parking spaces for the plaza.

4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses 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 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. The occupancy load for this establishment will be established by the Building and Inspections Department as part of the building permit review process.

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

RECOMMENDATION: Staff recommends disapproval of the conditional use permit request due to non-compliance with requirement number 1: The subject property is within 400 feet of single-family residential properties.

A SITE PLAN – KINGWOOD VILLAGE PLAZA 5245

jmerc DESIGN

La Justicia Event Center
5245 N. 23rd Street
Site Plan

PERMIT SET 01-10-22

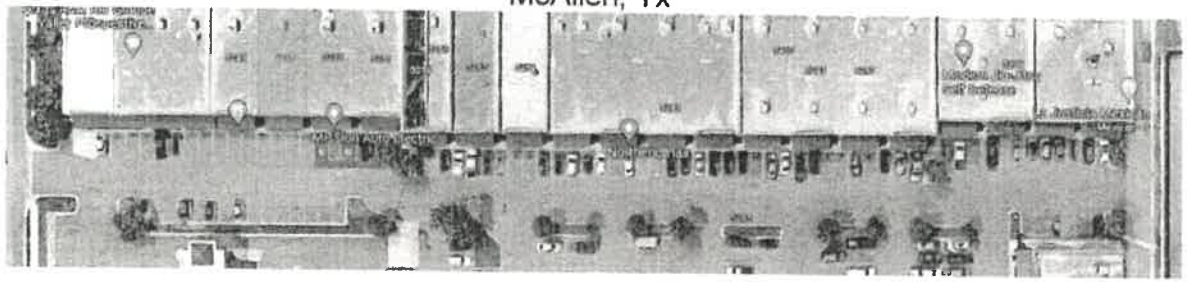
X1.1

RECEIVED
DEC 01 2025
By VP

La Justicia Event Center

5245 N. 23rd Street

McAllen, Tx



PERMIT SET 01-10-22

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 EDITION OF INTERNATIONAL BUILDING CODE INCLUDING NO AMENDMENTS AND SHALL COMPLY WITH ALL CODES, ORDINANCES AND REQUIREMENTS SET FORTH BY THE MUNICIPALITY OF MCALLEN, TEXAS.

2. IT IS THE PERSONAL DUTY OF THE CONTRACTOR TO BECOME AWARE OF THE LOCATION OF ALL UNDERGROUND UTILITIES IN THE SITE BEFORE ANY DIGGING OR LAND PREPARATION BEGINS.

3. BUILDING SHALL NOT BE OCCUPIED WITHOUT AN AUTOMATIC FIRE SPRINKLER SYSTEM.

4. ALL LANDSCAPING AND IRRIGATION WORK IS NOT PART OF THIS CONTRACT. GENERAL CONTRACTOR SHALL COORDINATE CONSTRUCTION WITH LANDSCAPE CONTRACTOR UNDER SEPARATE CONTRACT AND AVOID ANY DAMAGE TO PLANTING AREAS AND IRRIGATION LINES DURING CONSTRUCTION.

5. ALL DIMENSIONS ARE TO BE FURNISHED BEFORE CORRECTION OF ANY VARIATIONS OCCUR WITH THE DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. ALL INTERIOR DIMENSIONS ARE TO FACE OF FINISH UNLESS NOTED OTHERWISE. ALL EXTERIOR DIMENSIONS ARE TO BE TO FACE OF FINISH, FACE OF FOUNDATION OR CLEAR OPENING UNLESS OTHERWISE BE NOTED.

6. ALL SIGNAGE TO BE PLACED ON THIS SITE IS SUBJECT TO APPROVAL BY OWNER AND MCALLEN, TEXAS. ALL SITE SIGNAGE IS NOT IN CONTRACT. REFER TO ELECTRICAL DRAWINGS FOR CONDUIT AND WIRING REQUIRED AS PART OF THIS CONTRACT.

7. THESE DRAWINGS DO NOT BE RESPONSIBLE FOR ANY DAMAGE OR FAILURES CAUSED BY FAILURE OR NEGLIGENCE OF THE CONTRACTOR OR ITS SUBCONTRACTORS TO COMPLY WITH ANY AND ALL LAWS, RULES AND REGULATIONS GOVERNING THE CONSTRUCTION OF THE STRUCTURE(S) IN ACCORDANCE WITH THESE CONSTRUCTION DOCUMENTS. CONTRACTOR SHALL MAINTAIN INSURANCE AS REQUIRED BY THE OWNER AND AS REQUIRED BY LAW.

BUILDING CLASSIFICATION

BUILDING CODE	2015 IBC	OCCUPANCY GROUP	GROUP A-3
MECHANICAL CODE	2015 IMC	CONSTRUCTION TYPE	TYPE IIB
PLUMBING CODE	2015 IPC	BUILDING AREA	23,017 SF TOTAL
ELECTRICAL CODE	2017 NEC		
FIRE CODE	2015 IFC		
ACCESSIBILITY CODE	TEXAS ACCESSIBILITY STANDARDS 2012 EDITION		
ENERGY CODE	2015 IECC		

ABBREVIATIONS

A
AB ANCHOR BOLT
ABV ABOVE
ACOUS ACOUSTICAL
ACT ACOUSTICAL CEILING TILE
AD AREA DRAIN
ADD ADDENDUM
ADJ ADJACENT
AFF ABOVE FINISH FLOOR
AGGR AGGREGATE
ALT ALTERNATE
ALUM ALUMINUM
ANOD ANODIZED ALUMINUM
APPROX APPROXIMATELY
ARCH ARCHITECTURAL
ASPH ASPHALTIC
ASSY ASSEMBLY
AUTO AUTOMATIC
AVE AVERAGE

B
BD BOARD
BET BETWEEN
BLKG BLOCKING
BLW BELOW
BLDG BUILDING
BLK BLOCK
BLKHD BULKHEAD
BM BEAM
BOT BOTTOM
BTW BETWEEN
BUR BUILT UP ROOFING

C
C CHANNEL
CAB CABINET
CB CATCH BASIN
CEM CEMENT
CER CERAMIC
CFCI CONTROL CONTRACTOR FURNISHED CONTRACTOR INSTALLED
CFOI CONTROL CONTRACTOR FURNISHED OWNER INSTALLED
CG CORNER GUARD
CH CLEAR
CHBD CHALKBOARD
CIP CAST IN PLACE
CJ CONTROL JOINT
CLG CEILING
CLKG CAULKING
CLOS CLOSET
CMU CONCRETE MASONRY UNIT
COL COLUMN
CONC CONCRETE
CONN CONNECTION
CONST CONSTRUCTION
CONT CONTINUOUS
CPT CARPET
CT CERAMIC TILE
CTR CENTER
CW COLD WATER

D
DBL DOUBLE
DEPT DEPARTMENT
DF DRINKING FOUNTAIN
DIA DIAMETER
DIAG DIAGONAL
DIM DIMENSION
DISP DISPENSER
DN DOWN
DO DOOR OPENING
DR DOOR
DSP DISPOSAL
DTL DETAIL
DW DISHWASHER

E
E EAST
EA EACH
EIFS EXTERIOR INSULATION FINISH SYSTEM
EJ EXPANSION JOINT
ELEC ELECTRIC, ELECTRICAL
EL OR ELEV ELEVATION OR STEP
EP ELECTRIC PANEL
EQ EQUAL
EQUIP EQUIPMENT
EW EACH WAY
EXH EXHAUST
EXIST EXISTING

F
F FAHRENHEIT
FA FIRE ALARM
FACP FIRE ALARM PULL STATION
FB FLOOR BEAM
FBO FURNISHED BY OWNER INSTALLED BY CONTRACTOR
FD FLOOR DRAIN
FE FIRE EXTINGUISHER CABINET
FEC FIRE EXTINGUISHER
FF FINISH FLOOR
FH FIRE HOSE CABINET
FHC FIRE HOSE STATION
FHV FIRE HOSE VALVE
FIN FINISH
FL FLOOR
FLASH FLASHING
FLUOR FLUORESCENT
FLR FLOORING
FM FIREPROOF
FOC FACE OF CONCRETE
FOM FACE OF MASONRY
FOS FACE OF STUD
FPRF FIREPROOFING
FRP FIBER REINFORCED PLASTIC
FS FLOOR SINK
FT FOOT OR FEET
FTG FOOTING
FURN FURNISH
FUT FUTURE

G
GA GAGE, GAUGE
GALV GALVANIZED
GB GRAB BAR
GC GENERAL CONTRACTOR
GEN GENERAL
GI GALVANIZED IRON
GL GLASS
GLB GLUE LAMINATED BEAM
GND GROUND
GR GRADE
GRT GRATE
GSM GALVANIZED SHEET METAL
GWB GYPSUM WALL BOARD
GYP GYPSUM

H
HB HOSE BIBB
HC HANDICAP
HDWE HARDWARE
HDWR HARDWARE
HM HOLLOW METAL
HORIZ HORIZONTAL
HR HOUR
HSS HOLLOW STRUCTURAL SECTION
HT HEIGHT
HTG HEATING
HVAC HEATING/VENTILATING/AIR-CONDITIONING

I
ID INSIDE DIAMETER
INSP INSPECT
INV INVERT ELEVATION
INCH INCH
INSUL INSULATE
INT INTERIOR

J
JAN JANITOR
JT JOINT

K
KIT KITCHEN

L
LAB LABORATORY
LAM LAMINATE
LAV LAVATORY
LBOR LABORATORY
LH LEFT HAND
LIN LINEAR
LT LIGHT
LTG LIGHTING
LV LOUVER

M
MAS MASONRY
MATL MATERIAL
MAX MAXIMUM
MB MACHINE BOLT
MBR MEMBRANE
MC MEDICINE CABINET
MECH MECHANICAL
MEMB MEMBRANE
MFR MANUFACTURER
MH MANHOLE
MIN MINIMUM
MISC MISCELLANEOUS
MO MASONRY OPENING
MOD MODULAR
MTD MOUNTED
MTL METAL

N
N NORTH
NA NOT APPLICABLE
NAT NATURAL
NIC NOT IN CONTRACT
NO OR # NUMBER
NOM NOMINAL
NTS NOT TO SCALE

O
OA OVERALL
OC ON CENTER
OD OUTSIDE DIAMETER
OFCI OWNER FURNISHED, CONTRACTOR INSTALLED
OFOI OWNER FURNISHED, OWNER INSTALLED
OPNG OPENING
OPP OPPOSITE HAND
OPPH OPPOSITE
OVHD OVERHEAD

P
PA PUBLIC ADDRESS
PART PARTITION
PBX PRIVATE BRANCH TELEPHONE EXCHANGE
PCC PRECAST CONCRETE
PCF POUNDS PER CUBIC FOOT
PCI POUNDS PER CUBIC INCH
PERF PERFORATED
PERIM PERIMETER
PLAM PLASTIC LAMINATE
PLAS PLASTER
PLB PLUMBING
PLYWD PLYWOOD
PNL PANEL
PR PAIR
PREFAB PREFABRICATED
PREFIN PREFINISHED
PROJ PROJECT
PROP PROPERTY
PSF POUNDS PER SQUARE FOOT
PSI POUNDS PER SQUARE INCH
PT POINT
PTD PAINTED
PTN PARTITION
PVC POLYVINYL CHLORIDE
PVMNT PAVEMENT
PWD PLYWOOD

Q
QT QUARTER

R
R RISER
RAD RADIUS
RB RUBBER BASE
RCP REFLECTED CEILING PLAN
RECEPT RECEPTACLE
RD ROOF DRAIN
RE REFERENCE
REINF REINFORCED, REINFORCING
REQD REQUIRED
RESIL RESILIENT
RET RETURN
REV REVISION, REVISED
RH RIGHT HAND
RM ROOM
RMV REMOVE
RO ROUGH OPENING
RWD REDWOOD

S
S SOUTH
SC SOLID CORE
SCHED SCHEDULE
SD SOAP DISPENSER
SECT SECTION
SHT SHEET
SIM SIMILAR
SMH SANITARY MANHOLE
SNR SANITARY NAPKIN RECEPTACLE
SPEC SPECIFICATION
SPKLR SPRINKLER
STD STANDARD
STL STEEL
STOR STORAGE
STRUCT STRUCTURAL
SUSP SUSPENDED
SYM SYMMETRICAL

T
T TREAD
TEL TELEPHONE
TEMP TEMPERATURE
TERR TERRAZZO
THK THICK
TOC TOP OF CURB
TOD TOP OF DECK
TOM TOP OF MASONRY
TOS TOP OF STEEL
TOW TOP OF WALL
TPD TOILET PAPER DISPENSER
TPH TOILET PAPER HOLDER
TV TELEVISION
TYP TYPICAL

U
UNFIN UNFINISHED
UON UNLESS OTHERWISE NOTED

V
VAC VACUUM
VERT VERTICAL
VEST VESTIBULE
VIF VERIFY IN FIELD
VP VINYL PAINT
VT VINYL TILE
VWC VINYL WALL COVERING

W
W WEST, WIDE
WC WATER CLOSET
WD WOOD
WH WATER HEATER
WIN WINDOW
WP WATERPROOF
WSCT WAINSCOT
WT WEIGHT
WWF WELDED WIRE FABRIC

REFERENCE SYMBOLS

BUILDING SECTION

WALL SECTION

EXTERIOR ELEVATION

PLAN DETAIL REFERENCE

SECTION DETAIL REFERENCE

INTERIOR ELEVATION REFERENCE

PARTITION TYPE IDENTIFICATION MARK

WINDOW AND LOUVER TYPE MARK

LEVEL LINE

ROOM NAME AND NUMBER

REVISION NUMBER AND EXTENT

KEYED NOTE MARK

DOOR MARK

SHEET INDEX

COVER

G0.1 EXISTING SITE PLAN

A0.1 SCHEDULES AND SPECIFICATIONS

A1.1 EXHIBIT NO. 1 FOR PLANS, DEMO PLAN

A1.2 FLOOR PLAN & EQUIPMENT LIST

MEP1

PROJECT LOCATION

SCALE: N.T.S.

CIVIL ENGINEER:

STRUCTURAL ENGINEER:

MEP ENGINEER:

TRINITY MEP ENGINEERING

DRAFTING BY:

jmerc DESIGN

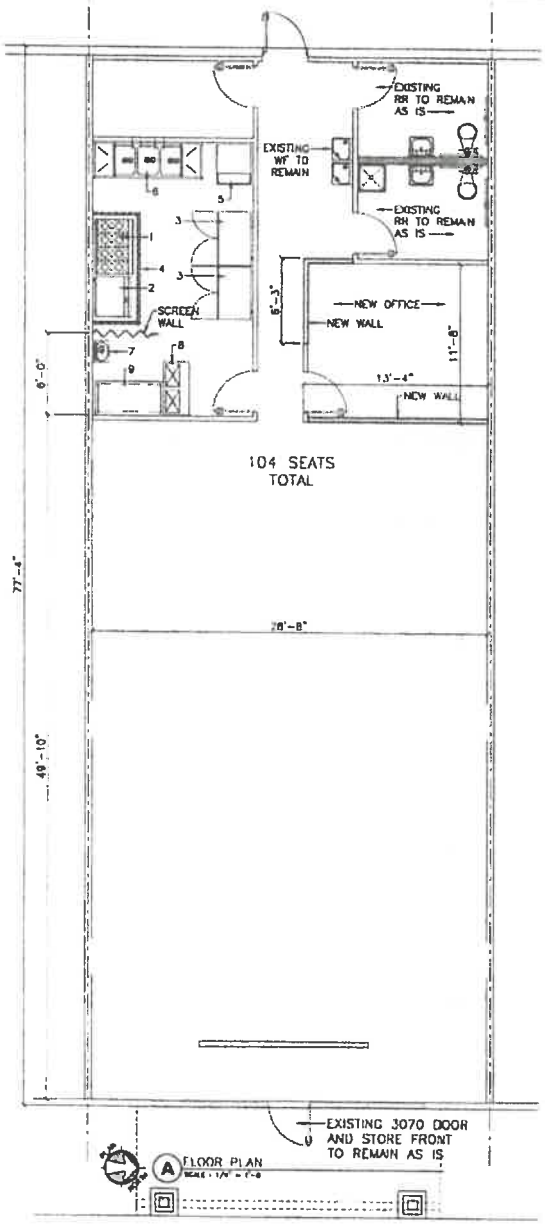
RECEIVED
OCT 23 2023
By

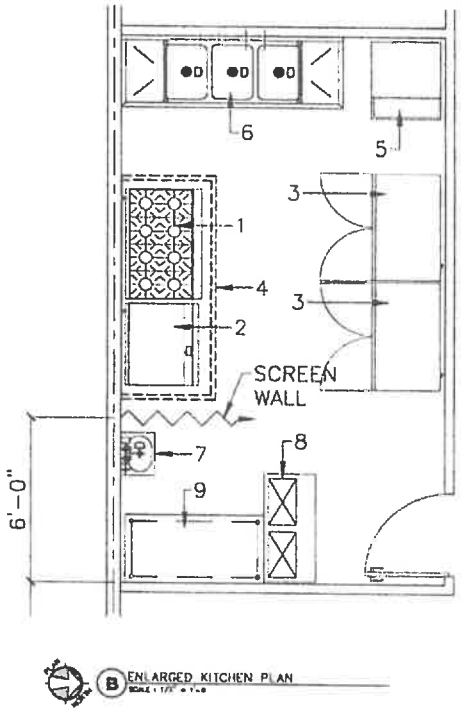
ENTERED

RECEIVED
DEC 01 2025
VR

JM 10/23/2023

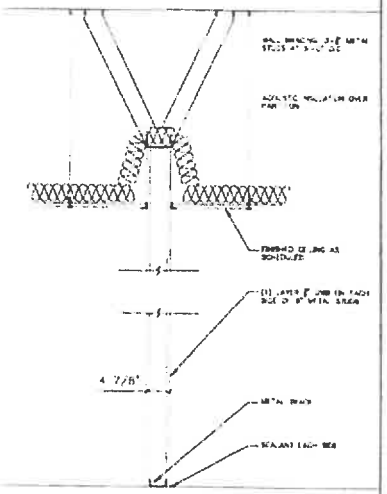
JAN 18 2022
Initial: AR





KITCHEN EQUIPMENT LEGEND:

1. GAS RANGE
2. GAS COUNTER GRIDDLE
3. (2) REACH IN REFRIGERATOR
4. OVERHEAD HOOD
5. ICE MACHINE AND BIN
6. 3 COMPARTMENT SINK
7. HAND WASHING SINK
8. ELECTRIC HOT FOOD TABLE
9. 30" x 60" SS TABLE



jmerc DESIGN CONSULTING, LLC

La Justicia Event Center
5015 N. 22nd Street
Floor Plan
McAllen, Texas

Date: 01.10.22

PERMIT SET 01-10-22

A1.2

RECEIVED
DEC 01 2025
By VR

CASALUNA
EVENT CENTER
5243
5245
VCW-7653

Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Planning Staff

DATE: January 21, 2026

SUBJECT: **REQUEST OF M2 ENGINEERING, PLLC, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF USE, AND ADOPTION OF AN ORDINANCE, FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT FOR LOTS 1-36, SUNSET VALLEY SUBDIVISION, HIDALGO COUNTY, TEXAS: 6100 NORTH BENTSEN ROAD. (CUP2025-0120)**

BRIEF DESCRIPTION: The subject property is located on the east side of North Bentsen Road, 101.95 ft. south of Jay Avenue. The irregularly-shaped tract has 286.87 ft. of frontage along North Bentsen Road and a depth of 1,206.37 ft. at its deepest point for a lot size of 13.116 acres. The property is zoned R-1 (single-family residential-OC) District. The adjacent zoning is R-1(Single-Family Residential-OC) District to the north, west, and south and A-O (agricultural-open space-OC) District to the east and southwest. Surrounding land use include single-family residences, Donna Wernecke Elementary School, Hidalgo County Drainage District No.1 Ditch R.O.W and vacant land. A Planned Unit Development is permitted in an R-1 District with a conditional use permit and in compliance with Article IV Planned Developments of the Subdivision Ordinance.

HISTORY: A rezoning request to R-3A (multifamily residential apartment-OC) District for the subject property was withdrawn by the applicant after it was disapproved by the Planning and Zoning Commission on May 4, 2021. The Planning and Zoning Commission voted to approve the proposed subdivision in preliminary form subject to conditions noted on October 5, 2021. A submitted Conditional Use Permit request for a Planned Unit Development for the subject property was withdrawn on January 21, 2022, after being tabled at the Planning and Zoning Commission meeting on December 21, 2021, and the City Commission meeting on January 10, 2022, for pending revisions and documents. A Conditional Use Permit request for a Planned Unit Development for the subject property was submitted on October 5, 2022 and approved. A new Conditional Use Permit was submitted December 2, 2025.

REQUEST/ANALYSIS: The property is currently being developed. The applicant is proposing convert Lot 36 to a common area lot.

The proposed PUD for Sunset Valley was previously approved at the City Commission meeting of November 28, 2022 with the following variances:

- Request a variance to allow multifamily lots on R-1 District.
- Request a variance to allow 10 ft. separation instead of 12 ft.
- Request a variance to allow a 20 ft. front setback instead of 25 ft.
- Request a variance to 55 ft. or right-of-way on interior streets and 5 ft. utility easement on both sides, and 40 ft. of pavement back to back, instead of 60 ft. right-of-way.

The proposed PUD for Sunset Valley is requesting the follow amendment:

- Usage of Lot 36 as Common Area

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 multifamily residences, allowed in R-3A District.

3. OFF-STREET PARKING AND LOADING: Parking should be 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 and a minimum of 50% of the area within the required front yard of any residential lot shall be devoted to landscape material including the portion of the front yard located between the property line and the extension of the side yard setback line. Tree requirement for multifamily development is calculated as per Section 110-51 of Vegetation Ordinance. A landscape strip area with a minimum width of ten feet shall be provided along and within the property lines of all nonresidential and multifamily

uses contiguous to a public street, excluding driveway entrances and exits. For properties having a lot depth of less than 200 feet, the landscaped strip may be reduced to a minimum width of five feet with a landscape hedge not exceeding three feet in height.

5. STREETS AND SETBACKS: A minimum of 60 ft. right-of-way with 40 ft. of pavement width is required on all internal streets, as well as a minimum of 96 ft. pavement on cul-de-sacs face to face. The applicant is proposing 55 ft. of right-of-way, 5 ft. utility and sidewalk easement on both sides, and 40 ft. of pavement back to back. An R-1 zone requires a front yard setback of 25 ft. on interior streets; 20 ft. is being proposed. The side setback for corner lots is 10 ft. or greater for easements, whichever is greater; Rear: 10 ft. or greater or easements; A 4 ft. wide minimum sidewalk required on North Bentsen Road and both sides of all interior streets. 5 ft. sidewalk might be required by Engineering Department prior to final plat review. Sidewalk must comply with subdivision requirement. No encroachment is allowed over the setback or easements.

6. DRAINAGE: The drainage report must be approved

7. ADDITIONAL PROVISIONS: The 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 13.116 acres and includes multifamily residences. The proposed site plan must be approved by Development Departments.

8. Owner, Engineer and Surveyor certification and signature block needs to be shown on the PUD site plan. Submitted site plan meets requirements.

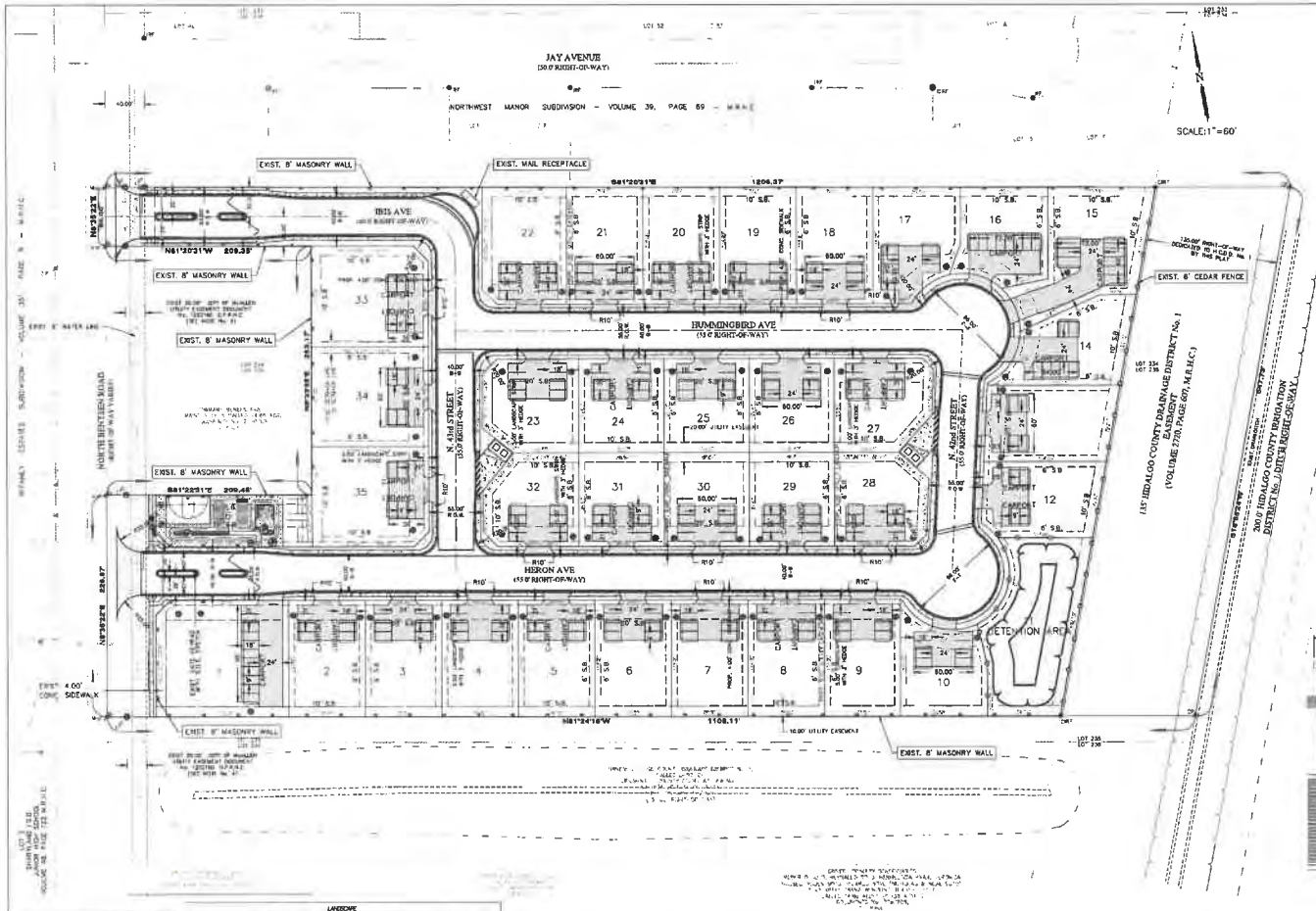
9. A The subdivision plat and the Planned Unit Development site plan must be recorded prior to issuance of building permits. Therefore, Sunset Valley Subdivision process must be completed, and recorded together with the site plan.

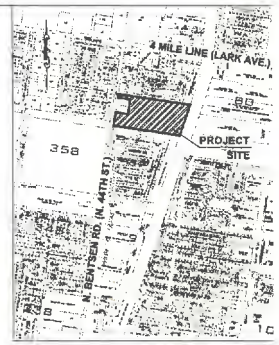
If the subdivision layout changes, the PUD will need to be amended to resemble the approved subdivision plat. Any changes regarding ownership or the approved building layout may also require an amendment of the PUD. The PUD must comply with all City department requirements, including but not limited 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 has not receive any email, calls or letters in opposition to this request.

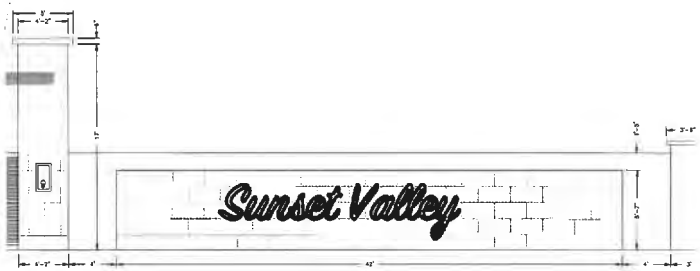
RECOMMENDATION: Staff recommends approval of the amendment to the Planned Unit Development as presented, for Life of the Use, subject to all aforementioned conditions.





LEGEND

- PROP. SANITARY SEWER SERVICE
- PROP. S.E.T
- PROP. GATE VALVE
- PROP. WATER METER
- PROP. STREET LIGHT
- PROP. SANITARY SEWER MANHOLE
- PROP. FIRE HYDRANT
- PROP. CURB INLET
- PROP. TREE
- PROP. DUMPSTER PAD
- BUILDING SET BACK LINE
- CENTER LINE
- PROP. MASONRY WALL
- PROP. CEDAR FENCE
- PROP. SIDEWALK
- LANDSCAPE



ENTRANCE SIGN
SCALE: 1"=80'

BUILDABLE AREA		LANDSCAPE					
LOT #	LOT AREA SQ. FT.	BUILDABLE AREA SQ. FT.	LOT #	LOT AREA SQ. FT.	SQ. FT. (10%)	AREA PROVIDED	AREA PROVIDED %	AREA VISIBLE FROM STREET	AMOUNT OF 6-INCH CALIPER TREES
1	15,836	9364	1	15,836	1,584	7,089	44%	1753	3
2	9,274	4729	2	9,274	927	2,454	26%	872	2
3	9,274	4729	3	9,274	927	2,454	26%	872	2
4	9,274	4729	4	9,274	927	2,454	26%	872	2
5	9,274	4729	5	9,274	927	2,454	26%	872	2
6	9,274	4729	6	9,274	927	2,454	26%	872	2
7	9,274	4729	7	9,274	927	2,454	26%	872	2
8	9,274	4729	8	9,274	927	2,454	26%	872	2
9	9,185	4728	9	9,185	918	2,318	25%	872	2
10	8,881	4729	10	8,186	818	2,167	38%	812	2
11	16,200	3967	11	15,381					
12	9,281	8141	12	9,131	913	4,193	45%	884	3
13	10,116	8001	13	10,110	1,011	3,088	30%	1179	3
14	8,881	6487	14	8,118	811	3,728	35%	1304	3
15	13,437	8013	15	13,075	1,307	5,953	45%	2648	3
16	8,189	4760	16	8,186	818	2,626	32%	877	2
17	8,538	4729	17	9,333	933	3,370	36%	878	2
18	9,288	4725	18	9,288	929	2,478	26%	878	2
19	9,272	4725	19	9,272	927	2,448	26%	879	2
20	9,279	4725	20	9,279	928	2,452	26%	879	2
21	9,285	4729	21	9,285	928	2,478	26%	880	2
22	10,133	5401	22	10,133	1,013	3,286	32%	1528	2
23	6,886	3686	23	6,886	687	3,810	42%	1548	2
24	6,305	3418	24	6,305	631	3,229	38%	1178	2
25	6,305	3418	25	6,305	631	3,229	38%	1178	2
26	6,305	3418	26	6,305	631	3,229	38%	1178	2
27	6,885	3686	27	6,885	689	3,689	44%	1548	2
28	6,854	3668	28	6,854	685	3,690	42%	1548	2
29	6,305	3418	29	6,305	631	3,229	38%	1178	2
30	6,305	3418	30	6,305	631	3,230	38%	1178	2
31	6,305	3418	31	6,305	631	3,234	38%	1178	2
32	6,854	3686	32	6,854	685	3,688	30%	1518	2
33	12,089	7037	33	12,089	1210	6,846	56%	1850	2
34	12,025	6985	34	12,025	1203	6,703	56%	1311	2
35	12,091	7022	35	12,091	1209	6,859	56%	2052	2
36	6,324	3013	36	6,324	632	3,477	42%	1641	2

GROSS DWELLING UNIT DENSITY: ACRE	
DWELLING UNITS (DU)	132
SUBDIVISION (ACRES)	13.116
DENSITY (DU/ACRE)	10.64

HOUSE HEIGHT	
MAX. HEIGHT OF HOUSE	25 FEET

# OF BEDROOMS/DWELLING UNIT	
MIN	2
MAX	3

# OF DWELLING UNITS/LOT	
LOT 1	3
LOTS 2-10	4
LOT 11 DETENTION AREA	0
LOTS 12-35	4
LOT 36 CONCH AREA	0

CURVE TABLE							
CURVE TAG	CHORD	BEARING	CHORD DISTANCE	RADIUS	ARC LENGTH	DELTA ANGLE
C1		S51°07'25"W	46.48'	55.00'	90.00'	93°38'16"
C2		N88°44'38"W	54.26'	55.00'	56.45'	59°17'38"
C3		N12°35'17"W	48.46'	55.00'	50.00'	52°06'08"
C4		N41°20'13"E	61.41'	55.00'	64.65'	67°19'26"
C5		N36°48'19"W	22.15'	55.00'	7.50'	9°22'22"
C6		N21°59'31"E	90.66'	55.00'	101.76'	101°37'21"
C7		S67°21'18"E	81.14'	55.00'	88.67'	87°48'18"

LINE TABLE		
LINE TAG	DISTANCE	BEARING
L1	31.28'	S39°23'34"E
L2	31.21'	N39°34'27"W
L3	31.21'	N53°35'33"E
L4	19.82'	S39°34'27"E
L5	16.52'	S50°25'33"W
L6	31.21'	N39°34'27"W
L7	31.21'	S53°35'33"W
L8	31.21'	N39°34'27"W
L9	31.21'	N53°35'33"E

SUNSET VALLEY SUBDIVISION

PRIVATE SUBDIVISION

BEING 13.116 ACRES OUT OF LOT 234 (4.404 ACRES) AND LOT 235 (8.712 ACRES), PRIDE O' TEXAS SUBDIVISION, OF A PART OF THE LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, RECORDED IN VOLUME 5, PAGE 58-59, MAP RECORDS HIDALGO COUNTY, TEXAS.

M2 Engineering, PLLC
TBPELS FIRM REGISTRATION F-19545
1810 E. GRIFFIN PARKWAY
MISSION TX 78572
956-600-8628

RECEIVED
DEC 02 2025
By GC

SHEET

FOR SALE
CONDOMINIUMS
3 BEDROOM
STARTING AT
Gated
Playground
Dog Park
HOA
Private Patio
(956)492-5638
CUP2025-0120
NOTICE
PLANNED UNIT
DEVELOPMENT
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT
956-681-1250
WWW.MCALLEN.NET

SUB 2025-0176

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name BALBOA ACRES
Legal Description ALL OF LOT 7, BLK. 29, BALBOA ACRES (East Side)
Location FRANCISCA AVE.
City Address or Block Number 3417 Francisca Ave
Total No. of Lots 2 Total Dwelling Units 1 Gross Acres 0.25 Net Acres 0.25
☒Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☒No
For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☒**Residential (** 2 **Lots)** Replat: ☒Yes/☐No
Existing Zoning R-1 Proposed Zoning R-1 Applied for Rezoning ☒No/☐Yes: Date ____
Existing Land Use RES. HM. / VACANT LOT (OPEN) Proposed Land Use RES. HOME
Irrigation District # N/A Water CCN: ☒MPU/☐Sharyland Water SC Other ____
Agricultural Exemption: ☐Yes/☐No Parcel # ____
Estimated Rollback Tax Due 135.17 Tax Dept. Review ____

Owner

Name RAUL MACIA Phone 537-5552
Address 3501 FRANCISCA AVE E-mail ____
City MERCED State TX Zip 78503

Developer

Name SAME AS OWNER Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Engineer

Name DAVID SALINAS Phone 682-9081
Address 2221 DAFFODIL E-mail dsalinas@salinas engineering.com
City MERCED State TX Zip 78501
Contact Person ____

Surveyor

Name SAME AS ENGR. Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____

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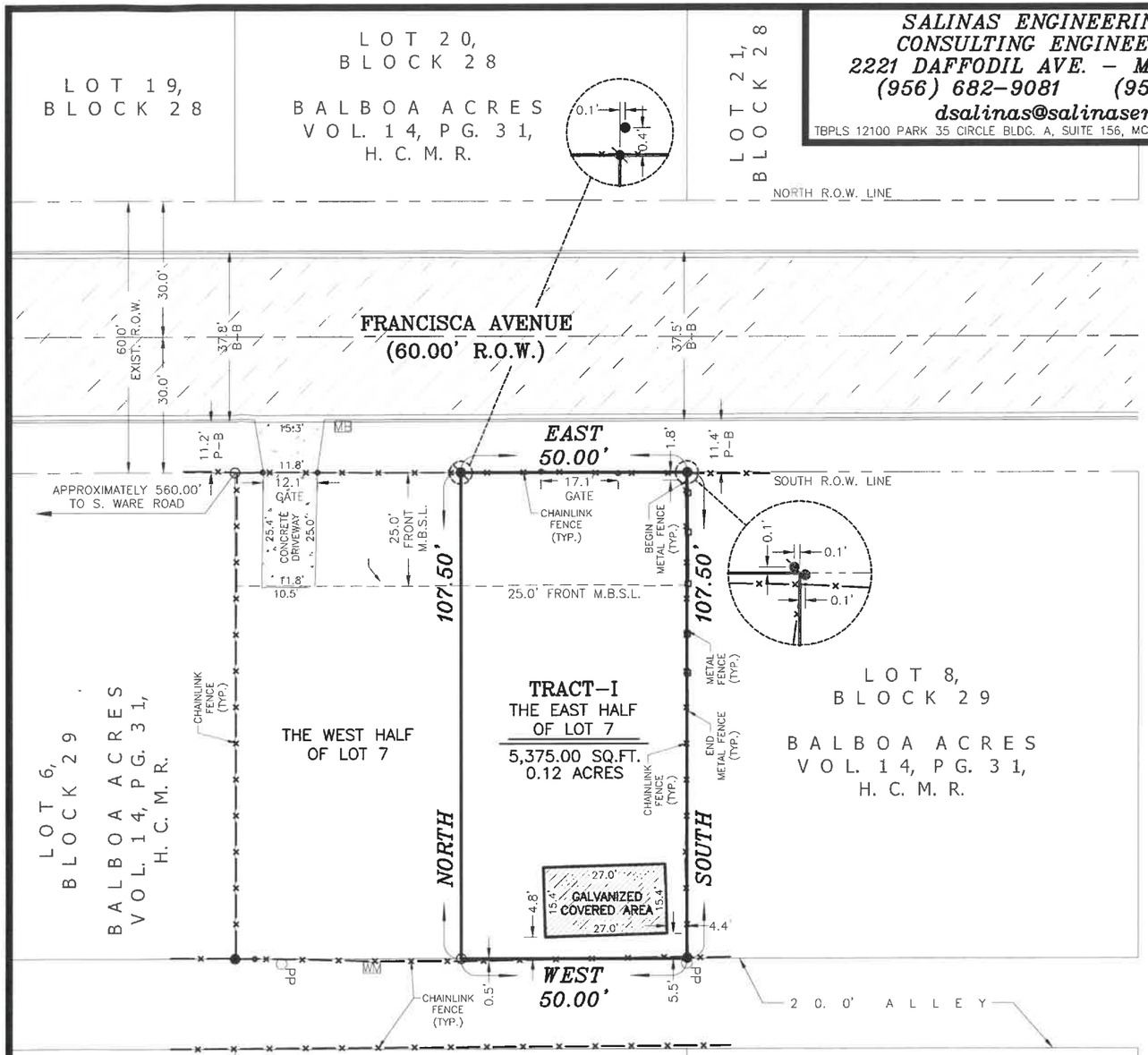
NOV 28 2025
By VR

LOCATION
PROPOSED BALBOA ACRES BLK 29
LOT 7 EAST HALF SUBDIVISION
9
N
W
E
S
ELMIRA AVE.
FRANCISCA AVE.
FRANCISCA AVE
GLORIA AVE.
HELENA AVE.
IDELA AVE.
S 33RD ST
WEST 1/2 OF 19
EAST 1/2 OF 19
27
28
29
30
31

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. – MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263



SCALE: 1" = 30'

LEGEND

●	FOUND 1/2" IRON ROD
●	FOUND IRON PIPE
○	SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
EM	ELECTRIC METER
MB	MAIL BOX
PP	POWER POLE
⊕	WATER BYPASS
WM	WATER METER
R.O.W.	RIGHT OF WAY
P-B	PROPERTY LINE TO BACK OF CURB
B-B	BACK OF CURB TO BACK OF CURB
H.C.M.R.	HIDALGO COUNTY MAP RECORDS
M.B.S.L.	MINIMUM BUILDING SETBACK LINE

GENERAL PLAT NOTES:

1. Bearing Basis: Recorded plat of **Balboa Acres, An Addition to the City of McAllen**, Hidalgo County, Texas.
2. This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research some with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.
8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 3501 FRANCISCA AVE. in McALLEN, Texas, described as follows: ALL OF THE EAST HALF OF LOT 7 (TRACT-I)

Lot _____, Block 29, of BALBOA ACRES, AN ADDITION TO THE CITY OF McALLEN, HIDALGO CO. Texas, according to the plat recorded in Volume 14, Page 31, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone "AH" as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0010 C.

A.E.
DRN. BY

DEC. 05, 2025
DATE

S-25-26377-B
JOB NO.

STATE OF TEXAS
REGISTERED
DAVID OMAR SALINAS
5782
PROFESSIONAL
LAND SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/9/2026

SUBDIVISION NAME: BALBOA ACRES SUBDIVISION (EAST HALF)

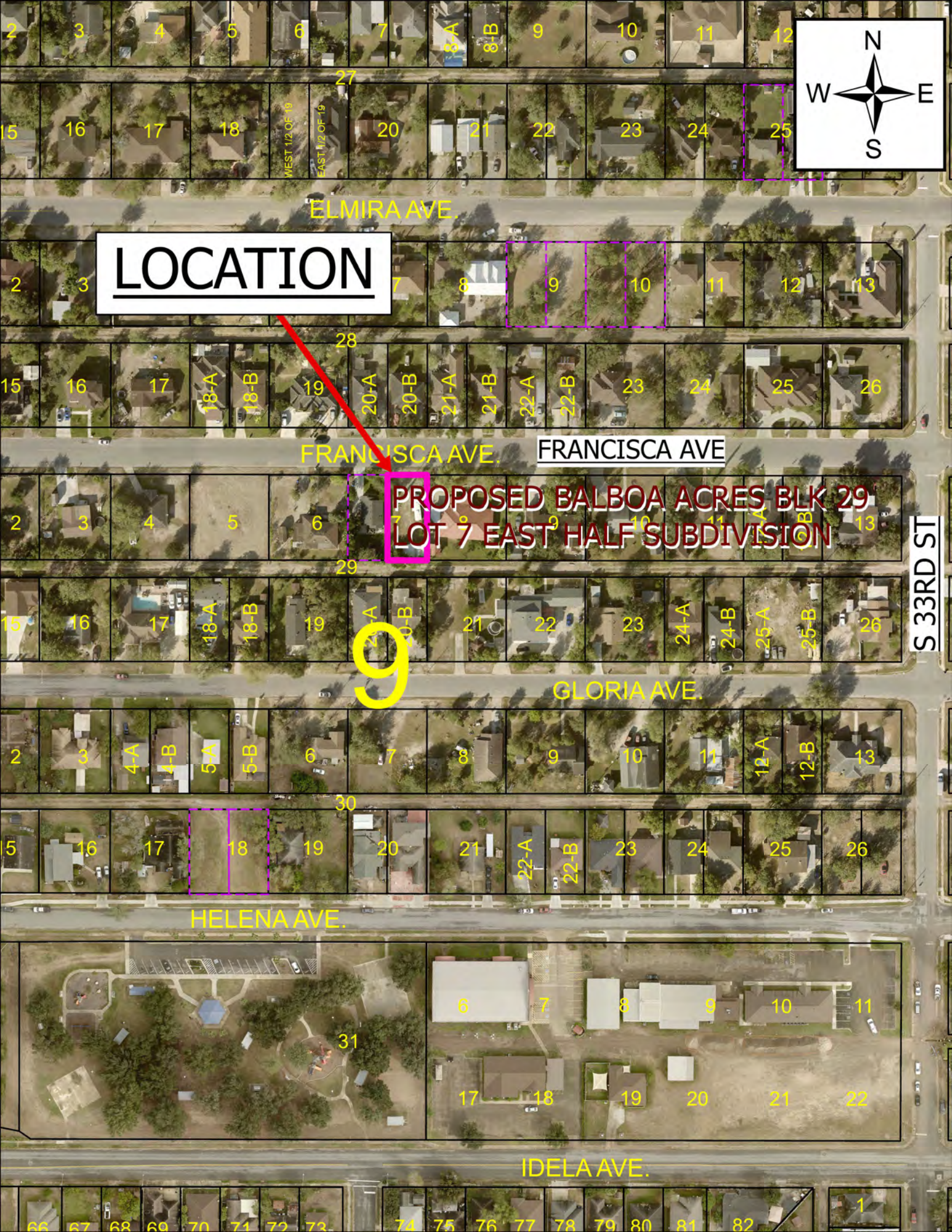
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Francisca Avenue: 60 ft. ROW (existing) Paving: 37.8 ft. B-B Curb & gutter: both sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing conditions remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Corner **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Francisca Avenue **Subdivision Ordinance: Section 134-120	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area: Survey for east half of Lot 7 Block 29 shows a 50 ft. width. **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

ZONING/CUP	
* Existing: R-1 (Low Density Residential District Proposed: R-1 (Low Density Residential District - As part of city initiated rezoning, Balboa Acres was rezoned to the UDC R-1 Low Density Residential District ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	Applied
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: - Existing plat notes remain the same - Public Hearing is required for the subdivision of the lot - Canopy/structure will be relocated to comply with setbacks as per Engineer Must comply with other departments requirements prior to recording as may be applicable *Must comply with City's Access Management Policy.	Required
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied


LOCATION
PROPOSED BALBOA ACRES BLK 29
LOT 7 EAST HALF SUBDIVISION
ELMIRA AVE.
FRANCISCA AVE.
FRANCISCA AVE
GLORIA AVE.
HELENA AVE.
IDELA AVE.
S 33RD ST
WEST 1/2 OF 19
EAST 1/2 OF 19
N
W
E
S

SUB2025-0182

City of McAllen

Planning Department

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)

SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name BALBOA ACRES

Legal Description ALL OF THE W. ½ OF LOT 7, BLK. 29, BALBOA ACRES (West Side)

Location 3501 FRANCISCA AVE.

City Address or Block Number 3501 FRANCISCA AVE.

Total No. of Lots 1 Total Dwelling Units 1 Gross Acres 0.12 Net Acres 0.12

☒Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☒No

For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☒ **Residential (** 1 **Lots)** Replat: ☒Yes/☐No

Existing Zoning R-1 Proposed Zoning R-1 Applied for Rezoning ☒No/☐Yes: Date ____

Existing Land Use RES HOME Proposed Land Use RES. HOME

Irrigation District # N/A Water CCN: ☒MPU/☐Sharyland Water SC Other ____

Agricultural Exemption: ☐Yes/☒No Parcel # ____

Estimated Rollback Tax Due ____ Tax Dept. Review ____

Owner

Name RAUL MACIAS Phone 956 537-5552

Address 3501 FRANCISCA AVE E-mail ____

City MCALLEN State TX Zip 78503

Developer

Name SAME AS OWNER Phone ____

Address ____ E-mail ____

City ____ State ____ Zip ____

Contact Person ____

Engineer

Name DAVID OMAR SALINAS Phone 682-9081

Address 2221 DAFFODIL AVE. E-mail dsalinas@salinaseng.com

City MCALLEN State TX Zip 78501

Contact Person DAVID

Surveyor

Name SAME AS ENGR. Phone ____

Address ____ E-mail ____

City ____ State ____ Zip ____

RECEIVED

DEC 05 2025

BY: A.V.

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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 Raul Macias Date 12/4/25

Print Name RAUL MACIAS

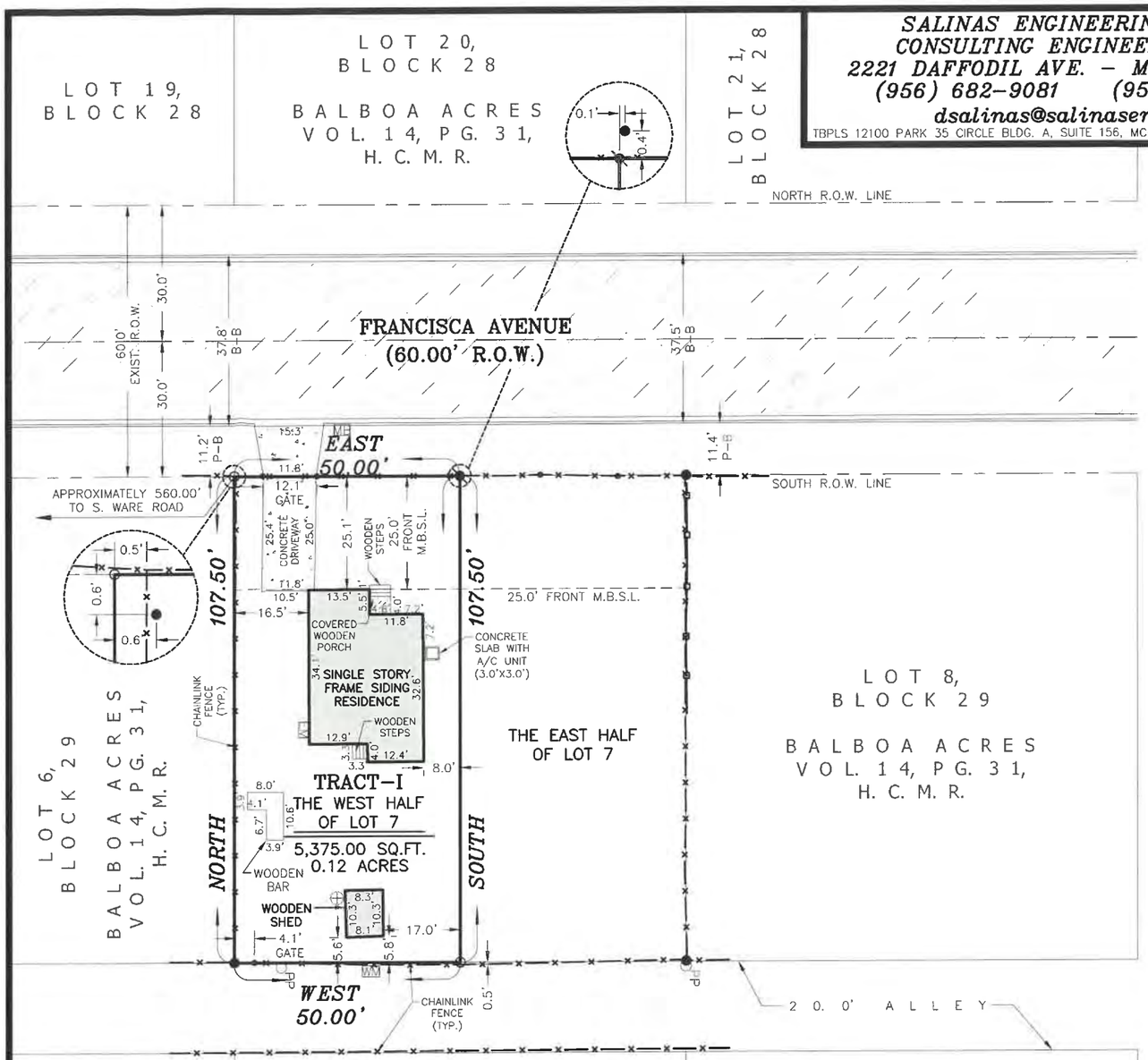
Owner ☒ Authorized Agent ☐

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

N
W
E
S
LOCATION
ELMIRA AVE.
FRANCISCA AVE.
FRANCISCA AVE
PROPOSED BALBOA ACRES BLK 29
LOT 7 WEST HALF SUBDIVISION
S 33RD ST
GLORIA AVE.
HELENA AVE.
IDELA AVE.
WEST 1/2 OF 19
EAST 1/2 OF 19
27
28
29
30
31
9

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. – MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263

RECEIVED
DEC 05 2025
BY: A.V.



SCALE: 1" = 30'

LEGEND

●	FOUND 1/2" IRON ROD
◆	FOUND IRON PIPE
○	SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
EM	ELECTRIC METER
MB	MAIL BOX
PP	POWER POLE
⊕	WATER BYPASS
WM	WATER METER
R.O.W.	RIGHT OF WAY
P-B	PROPERTY LINE TO BACK OF CURB
B-B	BACK OF CURB TO BACK OF CURB
H.C.M.R.	HIDALGO COUNTY MAP RECORDS
M.B.S.L.	MINIMUM BUILDING SETBACK LINE

GENERAL PLAT NOTES:

1. Bearing Basis: Recorded plat of **Balboa Acres, An Addition to the City of McAllen**, Hidalgo County, Texas.
2. This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.
8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 3501 FRANCISCA AVE. in McALLEN, Texas, described as follows: ALL OF THE WEST HALF OF LOT 7 (TRACT-I)

Lot _____, Block 29, of BALBOA ACRES, AN ADDITION TO THE CITY OF McALLEN, HIDALGO CO. Texas, according to the plat recorded in Volume 14, Page 31, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone "AH" as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0010 C.

A.E.
DRN. BY

DEC. 05, 2025
DATE

S-25-26377-A
JOB NO.

STATE OF TEXAS
REGISTERED
DAVID OMAR SALINAS
5782
PROFESSIONAL
LAND SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/9/2026

SUBDIVISION NAME: BALBOA ACRES SUBDIVISION (WEST HALF)

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
Francisca Avenue: 60 ft. ROW (existing) Paving: 37.8 ft. B-B (existing) Curb & gutter: both sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving_____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing conditions remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25 ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied

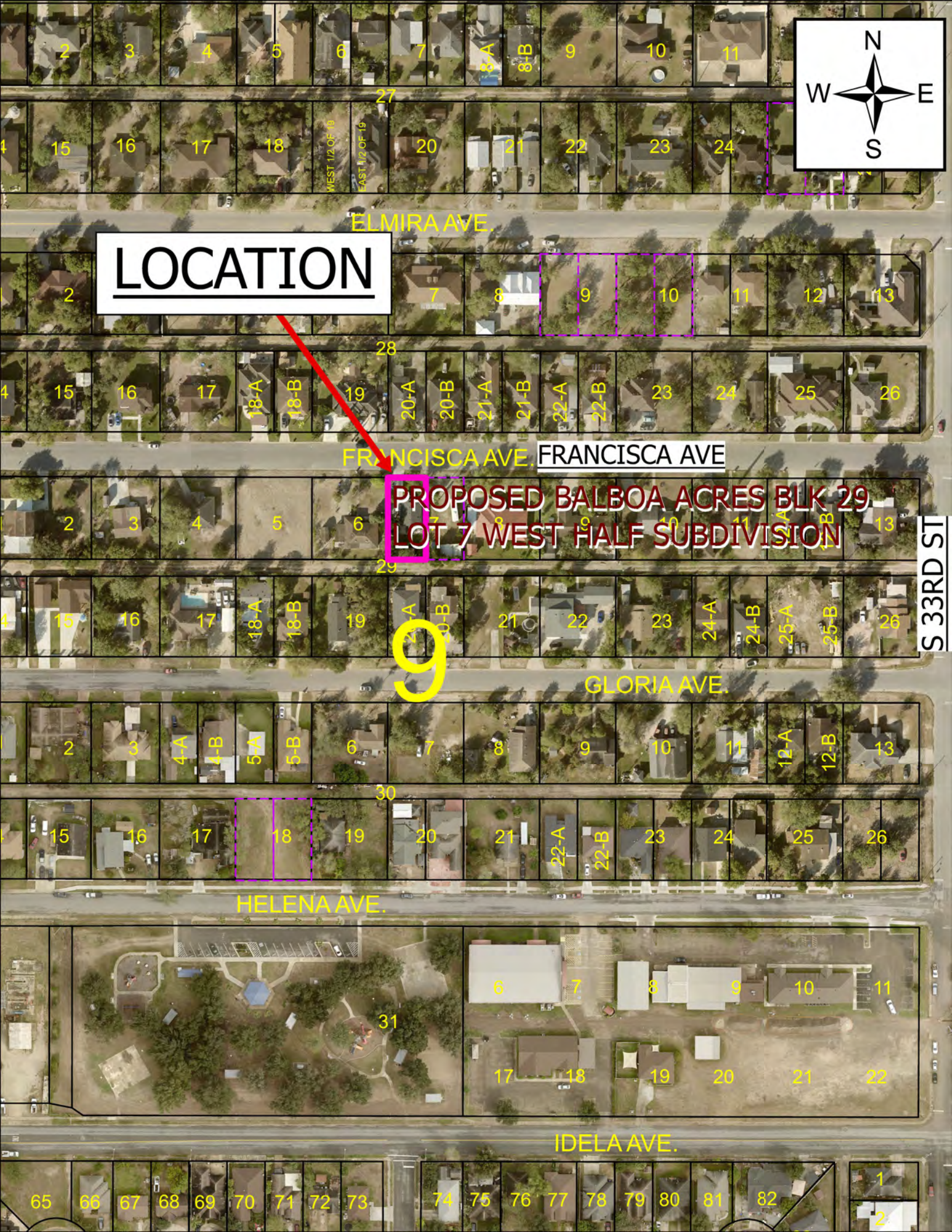
These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Corner **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Francisca Avenue **Subdivision Ordinance: Section 134-120	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	NA
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area: Survey for west half of Lot 7 Block 29 shows a 50 ft. width **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

ZONING/CUP	
* Existing: R-1 (Low Density Residential District) Proposed: R-1 (Low Density Residential District) - As part of city initiated rezoning, Balboa Acres was rezoned to the UDC R-1 Low Density Residential District ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	Applied
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: - Existing Plat notes remain the same - Public Hearing is required for the subdivision of the lot - Must comply with other departments requirements prior to recording as may be applicable *Must comply with City's Access Management Policy.	Required
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review


LOCATION
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W
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S
ELMIRA AVE.
FRANCISCA AVE.
FRANCISCA AVE
PROPOSED BALBOA ACRES BLK 29
LOT 7 WEST HALF SUBDIVISION
S 33RD ST
GLORIA AVE.
HELENA AVE.
IDELA AVE.
WEST 1/2 OF 19
EAST 1/2 OF 19
27
28
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31

SUB2025-0169

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name Balboa Acres Lot 18 blk 30 (West)
Legal Description Lot 18 block 30 (West half)

Location 3512 Helena Ave McAllen, Tx 78503
City Address or Block Number 3516 Helena Ave
Total No. of Lots 1 Total Dwelling Units 1 Gross Acres 0.123 Net Acres 0.123
☑Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☐No
For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☐ **Residential (** ____ **Lots)** Replat: ☐Yes/☐No
Existing Zoning R1 Proposed Zoning R1 Applied for Rezoning ☐No/☐Yes: Date ____
Existing Land Use Vacant Proposed Land Use House
Irrigation District # ____ Water CCN: ☑MPU/☐Sharyland Water SC Other ____
Agricultural Exemption: ☐Yes/☑No Property ID: 120911
Estimated Rollback Tax Due 0 Tax Dept. Review

Owner

Name Alex Lozano Phone (956) 984-9161 OR 1662 PG 738
Address 3500 Helena Ave E-mail alozano0328@gmail.com
City McAllen State Tx Zip 78503 alexandralozano0328@gmail.com

Developer

Name Same As Owner Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Engineer

Name ____ Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Surveyor

Name Art Salinas Phone (956) 618-5565
Address 1524 Dove Ave E-mail ____
City McAllen Tx 78501 State Tx Zip 78501

RECEIVED
NOV 17 2025
By OC

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 blueline copies and Location Maps
- 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline prints of the proposed plat
- 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 (Preferred)

- 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
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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 & the 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.

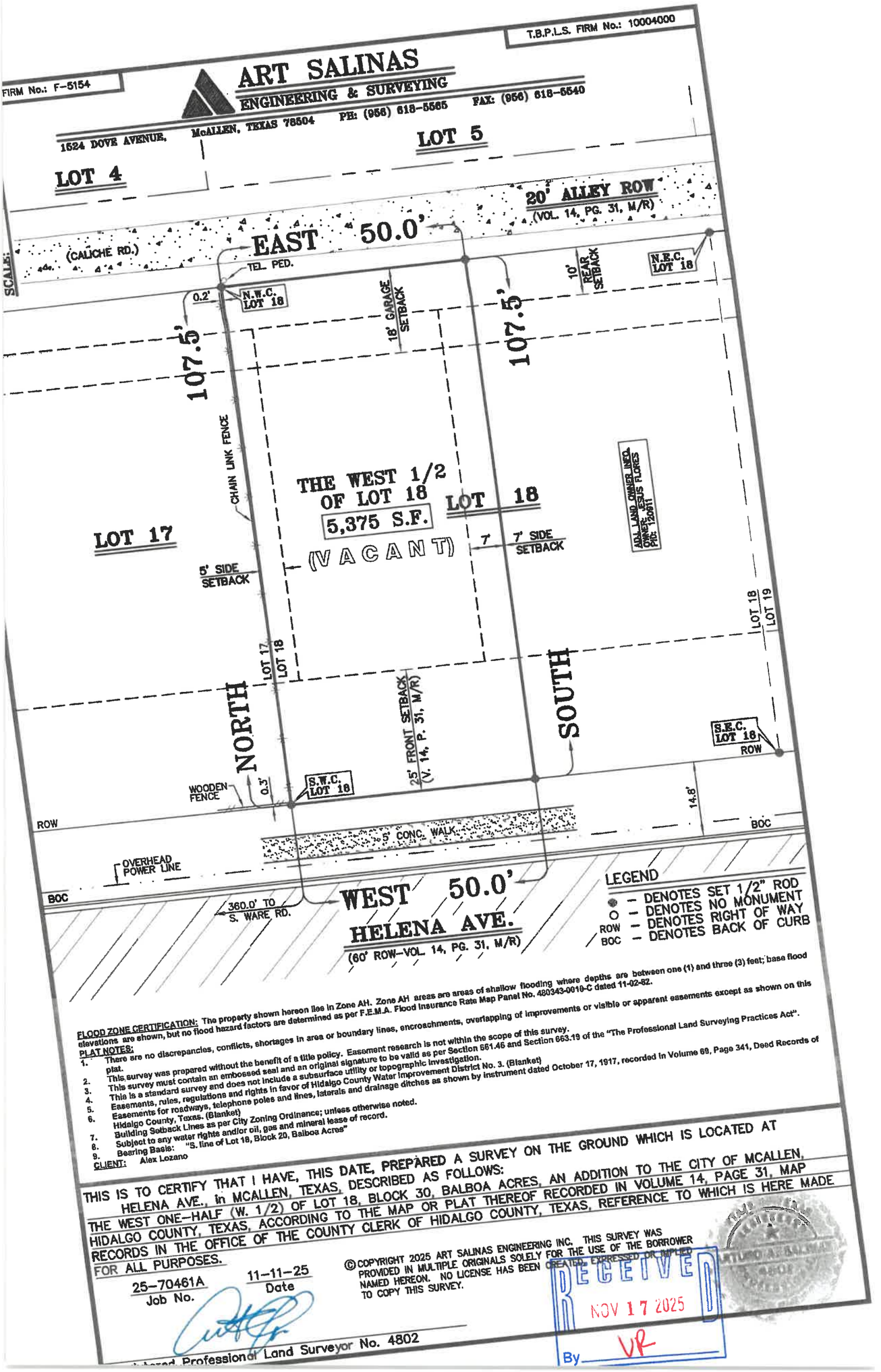
Signature Maria M.B Evans Date 11/17/2025

Print Name Maria M B Evans

Owner ☐ Authorized Agent ☑

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

LOCATION
S WARE RD
FRANCISCA AVE.
GLORIA AVE.
HELENA AVE.
IDELA AVE.
JUDITH AVE.
KATRINA AVE.
PROPOSED BALBOA
ACRES LOT 18 BLK 30
WEST HALF SUBDIVISION
N
W
E
S
28
29
30
31
9



FLOOD ZONE CERTIFICATION: The property shown hereon lies in Zone AH. Zone AH areas are areas of shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0010-C dated 11-02-82.

PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey was prepared without the benefit of a title policy. Easement research is not within the scope of this survey.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include a subsurface utility or topographic investigation.
5. Easements, rules, regulations and rights in favor of Hidalgo County Water Improvement District No. 3. (Blanket)
6. Easements for roadways, telephone poles and lines, laterals and drainage ditches as shown by instrument dated October 17, 1917, recorded in Volume 69, Page 341, Deed Records of Hidalgo County, Texas. (Blanket)
7. Building Setback Lines as per City Zoning Ordinance; unless otherwise noted.
8. Subject to any water rights and/or oil, gas and mineral lease of record.
9. Bearing Basis: "S. line of Lot 18, Block 20, Balboa Acres"

CLIENT: Alex Lozano

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT HELENA AVE., in MCALLEN, TEXAS, DESCRIBED AS FOLLOWS:
THE WEST ONE-HALF (W. 1/2) OF LOT 18, BLOCK 30, BALBOA ACRES, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 31, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

25-70461A
Job No.

11-11-25
Date

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Registered Professional Land Surveyor No. 4802

RECEIVED
NOV 17 2025
By VP

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/13/2026

SUBDIVISION NAME: BALBOA ACRES LOT #18, BLOCK 30 (WEST HALF)	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Helena Avenue: 60 ft. ROW (existing) Paving: Approximately 35 ft. existing Curb & gutter: both sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to recording **COM Thoroughfare Plan	Applied
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing conditions remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25 ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied

* Corner _____ **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Helena Ave. **Subdivision Ordinance: Section 134-120	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area: Survey for the WEST half of Lot 18, Block 30 shows a 50 ft. width **Zoning Ordinance: Section 138-356	Applied
ZONING/CUP	

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Existing: R-1 (Low-Density Residential District) Proposed: R-1(Low-Density Residential District) - As part of the City initiated Rezoning, Balboa Acres was Rezoned to the UDC R-1 for Low-Density Residential District. ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, TG waived for 2 Lot Single Family	Applied
* Traffic Impact Analysis (TIA) required prior to final plat. * As per Traffic Department, TG waived for 2 Lot Single Family	Applied
COMMENTS	
Comments: *Existing plat notes remain the same. *Public hearing is required for the subdivision of the lot. *Must comply with other department requirements prior to recording as may be applicable.	Applied
RECOMMENDATION	
STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied

LOCATION
S WARE RD
FRANCISCA AVE.
GLORIA AVE.
HELENA AVE.
IDELA AVE.
JUDITH AVE.
KATRINA AVE.
PROPOSED BALBOA ACRES LOT 18 BLK 30 WEST HALF SUBDIVISION
N
W
E
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31

SUB 2025-0170

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name Balboa Acres Lot 18 block 30 (East)
Legal Description Lot 18 block 30 (East half)

Location 3512 Helena Ave McAllen Tx 78503
City Address or Block Number 3512 Helena Ave
Total No. of Lots 1 Total Dwelling Units 1 Gross Acres 0.123 Net Acres 0.123
☑Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☐No
For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☐ **Residential (** ____ **Lots)** Replat: ☐Yes/☐No
Existing Zoning R1 Proposed Zoning R1 Applied for Rezoning ☑No/☐Yes: Date ____
Existing Land Use Vacant Proposed Land Use house
Irrigation District # ____ Water CCN: ☑MPU/☐Sharyland Water SC Other ____
Agricultural Exemption: ☐Yes/☐No Property ID: 120911
Estimated Rollback Tax Due ____ Tax Dept. Review ____

Owner

Name Alex Lorano Phone (956) 984-9161 OR (956) 662-0938
Address 3500 Helena Ave E-mail alorano0328@gmail
City McAllen State Tx Zip 78503 Alexandra Lorano 0328 @gmail

Developer

Name Same As Owner Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Engineer

Name ____ Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Surveyor

Name Art Saenz Phone (956) 618-5565
Address 1524 Dove Ave E-mail ____
City McAllen State Tx Zip 78501

RECEIVED
NOV 17 2025
VR

LOCATION
S WARE RD
FRANCISCA AVE.
GLORIA AVE.
HELENA AVE.
IDELA AVE.
JUDITH AVE.
KATRINA AVE.
IDELA PARK
PROPOSED BALBOA
ACRES LOT 18 BLK 30
EAST HALF SUBDIVISION
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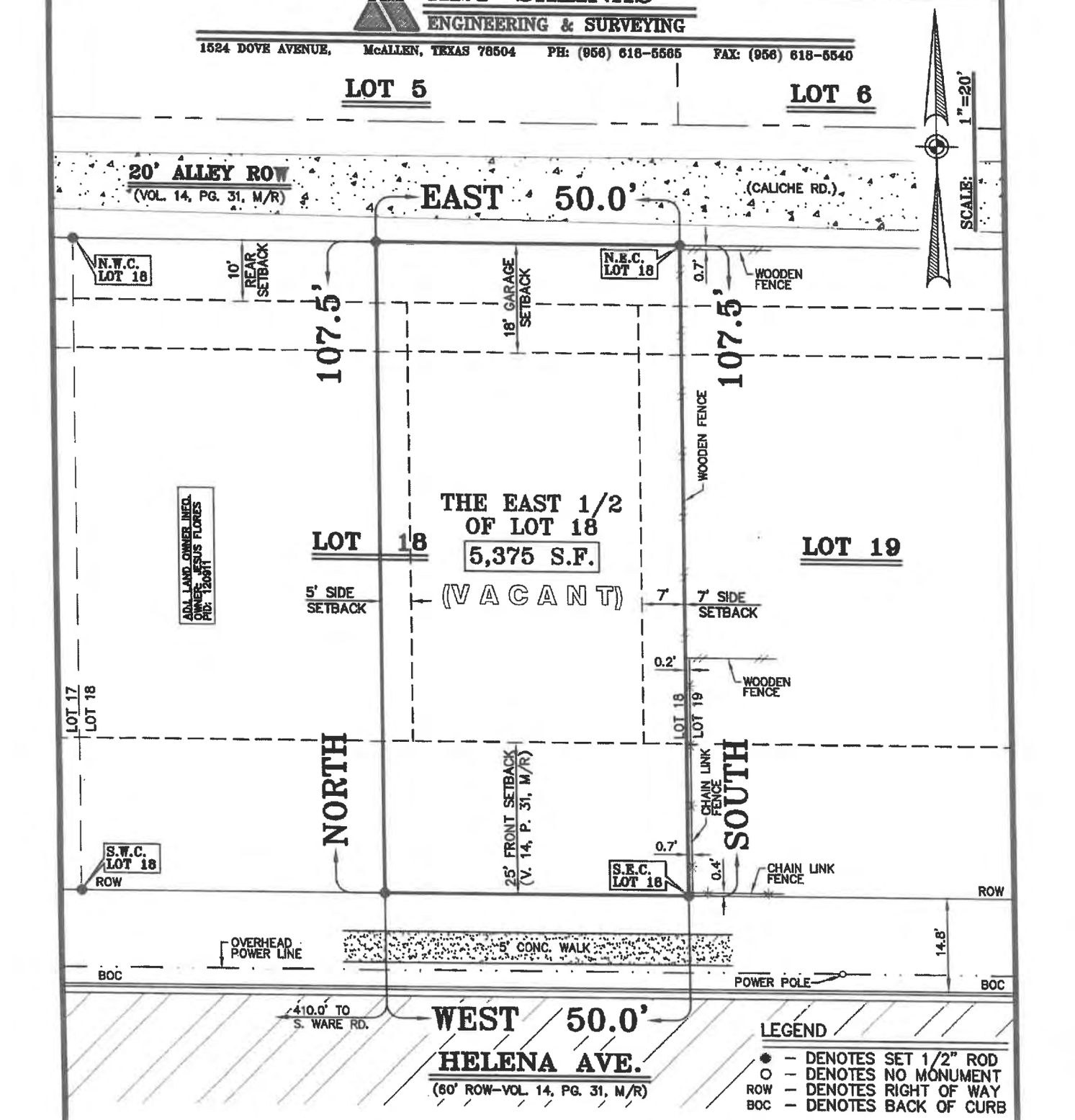
T.B.P.E. FIRM No.: F-5154

ART SALINAS
ENGINEERING & SURVEYING

T.B.P.L.S. FIRM No.: 10004000

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



LEGEND

- ● – DENOTES SET 1/2" ROD
- O – DENOTES NO MONUMENT
- ROW – DENOTES RIGHT OF WAY
- BOC – DENOTES BACK OF CURB

FLOOD ZONE CERTIFICATION: The property shown hereon lies in Zone AH. Zone AH areas are areas of shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0010-C dated 11-02-82.

PLAT NOTES:

1. There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
2. This survey was prepared without the benefit of a title policy. Easement research is not within the scope of this survey.
3. This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
4. This is a standard survey and does not include a subsurface utility or topographic investigation.
5. Easements, rules, regulations and rights in favor of Hidalgo County Water Improvement District No. 3. (Blanket)
6. Easements for roadways, telephone poles and lines, laterals and drainage ditches as shown by instrument dated October 17, 1917, recorded in Volume 89, Page 341, Deed Records of Hidalgo County, Texas. (Blanket)
7. Building Setback Lines as per City Zoning Ordinance; unless otherwise noted.
8. Subject to any water rights and/or oil, gas and mineral lease of record.
9. Bearing Basis: "S. line of Lot 18, Block 20, Balboa Acres"

CLIENT: Alex Lozano

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT HELENA AVE., in MCALLEN, TEXAS, DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF (E. 1/2) OF LOT 18, BLOCK 30, BALBOA ACRES, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 31, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

25-70461B
Job No.

11-11-25
Date

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Registered Professional Land Surveyor No. 4802

RECEIVED
NOV 17 2025
By OC

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/13/2026

SUBDIVISION NAME: BALBOA ACRES LOT #18, BLOCK 30 (EAST HALF)	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Helena Avenue: 60 ft. ROW (existing) Paving: Approximately 35 ft. existing Curb & gutter: both sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to recording **COM Thoroughfare Plan	Applied
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
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* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing conditions remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25 ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Applied

* Corner _____ **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Helena Ave. **Subdivision Ordinance: Section 134-120	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses. **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
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LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area: Survey for the EAST half of Lot 18, Block 30 shows a 50 ft. width **Zoning Ordinance: Section 138-356	Applied
ZONING/CUP	

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

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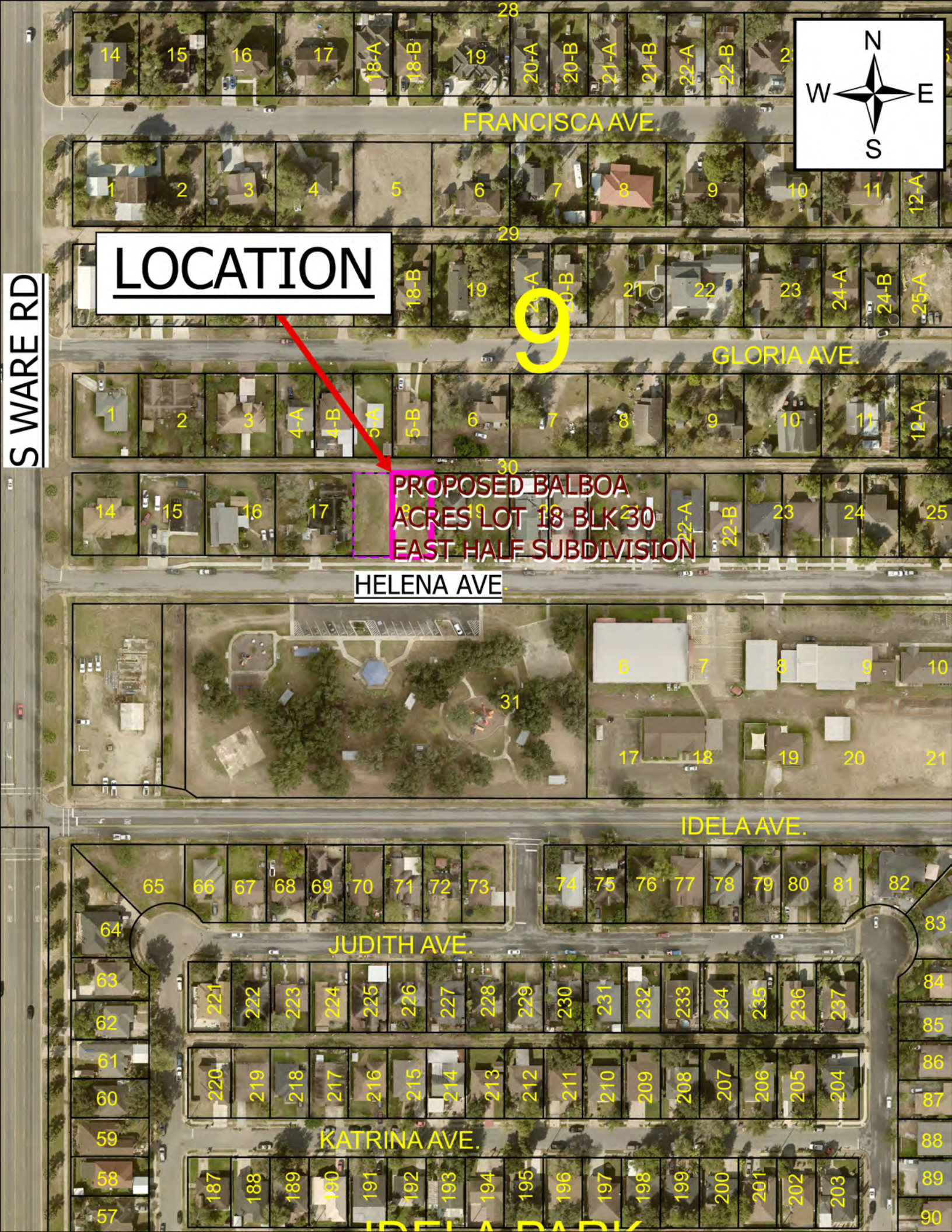
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, TG waived for 2 Lot Single Family	Applied
* Traffic Impact Analysis (TIA) required prior to final plat. * As per Traffic Department, TG waived for 2 Lot Single Family	Applied
COMMENTS	
Comments: *Existing plat notes remain the same. *Public hearing is required for the subdivision of the lot. *Must comply with other department requirements prior to recording as may be applicable.	Applied
RECOMMENDATION	
STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO CONDITIONS NOTED.	Applied


LOCATION
PROPOSED BALBOA
ACRES LOT 18 BLK 30
EAST HALF SUBDIVISION
S WARE RD
FRANCISCA AVE.
GLORIA AVE.
HELENA AVE.
IDELA AVE.
JUDITH AVE.
KATRINA AVE.
N
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Planning Department

Memo

TO: Planning and Zoning Commission

FROM: Omar Sotelo, CPM, Director of Planning

DATE: January 21, 2026

SUBJECT: CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDINANCE UPDATING THE UNIFIED DEVELOPMENT CODE.

Following the adoption of the Unified Development Code (UDC) last year, a comprehensive review was conducted to identify revisions needed to correct omissions, clarify standards, and ensure consistent application. This review was led by the Ordinance Review Committee, consisting of three Commissioners, Development Department Directors, and the Deputy City Manager, with input from all City Department Heads. It is normal and expected to have adjustments after such a major code transition. It will be an on-going process and we expect to have further modifications as we work with developers and the nuances of this new code.

Key updates clarify position responsible for making a decision, modify elements that don't exactly match legal requirements as modified (i.e. carwash ordinance), added in missing elements that may have been eliminated in the repeal of the original code (i.e. front yard parking, double fronting lot requirements and semi-trailers in neighborhoods). Other modifications include required garage setback at 18 feet unless a greater setback applies; prohibit parking on unpaved surfaces; allow zero side-yard setbacks in commercial zones when development occurs within the same zoning district; and specify that where easements exist, the greater setback requirement governs.

Numerous tables previously referencing the Planning Director were revised to clearly identify the appropriate Department Head authorized to approve or administer specific provisions. Lot size standards missing from the City Core District were added to correct this omission.

The Use Table was amended to reflect current development needs, including permitting carports and pools in districts where they were previously restricted. Bar regulations were revised to merge 75% and 51% bar requirements and add more restrictions to C-1 and CC-DT bars and adding requirements similar to ECOD requirements for all bars. This includes requiring age-verification devices to reinforce compliance with alcohol consumption laws, lighting and security standards and reporting requirements as needed. An existing ordinance establishing distance requirements for car washes was incorporated into the UDC. Additionally, the Definitions section—previously divided into two parts—was consolidated into a single section for improved clarity and usability.

Sign regulations were modified to allow increased advertising opportunities while maintaining appropriate controls. Provisions related to pylon signs were clarified to allow one pylon sign within a subdivision to serve all lots, eliminating the need for off-premise signage variances from the City Commission.

Certain technical design standards, including requirements for corner clips, drive-through stacking, and dumpster design and pickup configurations, were removed from the UDC and relocated to the Standard Design Guide. This change allows greater flexibility and easier updates as vehicle sizes, service equipment, and operational needs evolve.

We eliminated processes that are no longer used, such as conveyance plats, subdivision proportionality appeals, and warranty bonds, and we added protections for nonconforming uses created when the city acquires right-of-way through means other than subdivision dedication.

Street right-of-way requirements were adjusted to ensure service vehicles such as trash and fire trucks are able to function properly. No widths were increased beyond original requirements and some were left at the lower standard as appropriate.

Throughout the process, meetings were held with all Department Heads to review proposed amendments and resolve operational concerns, ensuring the revisions function effectively across all departments. We will continue to monitor developer needs as well as potential unintended consequences to ensure we have a workable, development-friendly UDC.

City of McAllen

Unified Development Code

ADOPTED December 9, 2024

City of McAllen

Prepared by:

FREESE AND NICHOLS

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UDC

As Adopted: December 9, 2024

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Appendix A: Standard Design Guide

Appendix B: Thoroughfare Plan Map

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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~~

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

The UDC is adopted to implement the City of McAllen's Comprehensive Plan, promote the public health, safety, morals, and general welfare of the community, and preserve and protect places of historical, cultural, or architectural significance through the coordinated regulation of land use, development, subdivision, infrastructure, signage, and related matters, as authorized by the Texas Constitution and applicable state law.

1. **Zoning Purpose.**
   The zoning regulations contained in this UDC are adopted pursuant to Texas Local Government Code Chapter 211 and are intended to accomplish the purposes set forth in Sections 211.001 and 211.004 of the Texas Local Government Code, including the regulation of land use, building placement, development intensity, and compatibility of uses.

2. **Non-Zoning Regulatory Purpose.**
   The subdivision regulations, sign regulations, development standards, performance standards, enforcement provisions, and other non-zoning regulations contained in this UDC are adopted pursuant to the City's police powers and applicable statutes other than Texas Local Government Code Chapter 211, and are intended to protect public health, safety, and welfare, ensure orderly development, and provide for the installation and maintenance of public improvements.

~~**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:~~

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~~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.~~Section 1.1.3. 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.~~This UDC applies to regulations pertaining to the use and development of land; and shall not be construed to extend zoning remedies or appeal rights to regulations adopted under the City's police powers unless expressly authorized by law.

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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.~~Section 1.1.4. 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. In applying this subsection, "restriction" refers to substantive development standards and shall not be construed to incorporate procedural remedies, variance authority, or appeal rights from one statutory scheme into another.

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B. Conflict with State of 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. If ~~T~~the Zoning Board of Adjustment grants a variance to the setback it shall still be subject to ~~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. The cumulative effect shall not be construed to extend or preserve zoning remedies, variance authority, or appeal rights to regulations that are not zoning regulations under Texas Local Government Code Chapter 211.

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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~~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 .

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

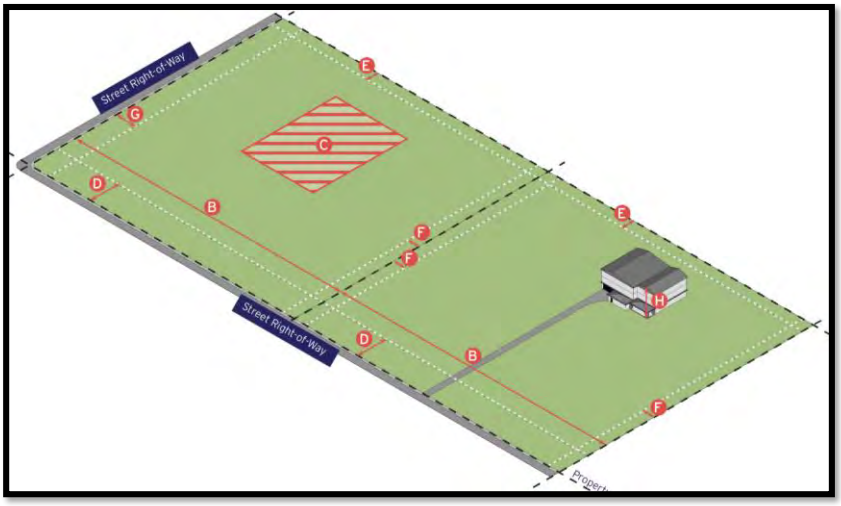
District Category	Applicable Zoning District	Previous Zoning District
Base	A-O	A-O
	R-1	R-1
	R-2	R-2
	R-3	R-3A
		R-3C
		R-3T
	C-1	C-1
		C-2
		C-3L
	C-2	C-3
	I-1	I-1
		C-4
	I-2	I-2
Special	M-1*	-
	M-2*	-
	C-C*	-
	PUD	-
Overlay	T-O*	-
Notes	*= New zoning district	

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 6Chapter 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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~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~~.

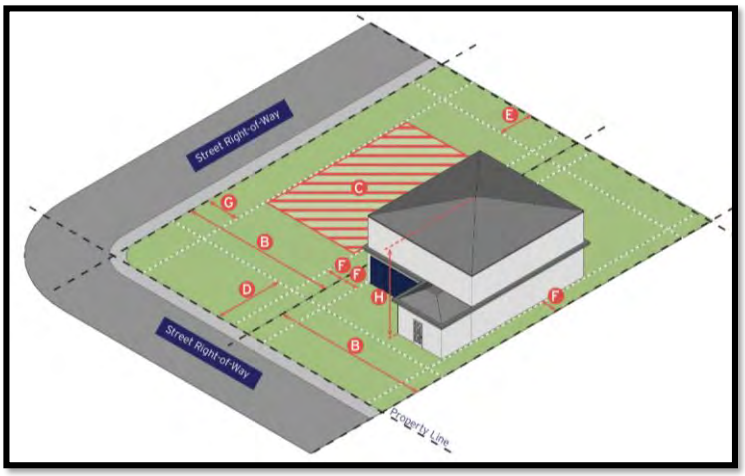
Table 2.2.1-1: A-O District Dimensional Standards

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
F	Side Yard (min.)	20 feet
G	Corner Side Yard (min.)	35 feet
Building Requirements		
H	Building Height (max.)	35 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~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~~.

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
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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 highway[1]. 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~~greater setback applies by plat note.
4. It shall be unlawful for any owner or occupant of a residentially zoned property to park or allow a third party to park a vehicle in the front, side, rear yard, or sidewalk except on a parking space constructed or installed in accordance with city standards and specifications. For purposes of this subsection, continuous strips of pavement for the tires of a vehicle, otherwise known as Hollywood strips, are permissible.

~~3.~~

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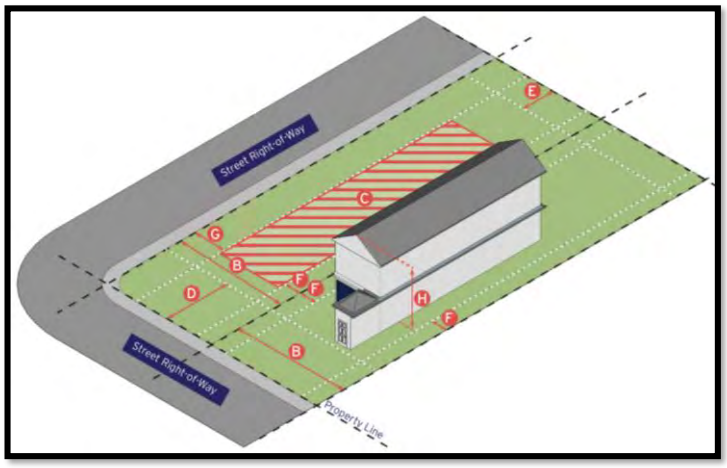
[1] This term shall align with the largest thoroughfare classification (i.e., highway, freeway, etc.)

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

Table 2.2.3-1: R-2 District Dimensional Standards

Medium-Density Residential (R-2) District		
Lot Requirements		
A	Lot Area (min.)	See notes D2 and D3~~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
Building Requirements		
H	Building Height (max.)	35 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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.~~

2. 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. 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 all other permitted uses shall be four thousand five hundred (4,500) square feet.

~~3.~~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 front yard setback shall be ten (10) feet and 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.~~5. The Medium-Density Residential (R-2) District shall not be located within five hundred (500) feet of a designated McAllen Thoroughfare Plan highway[2]. This distance shall be measured from the right-of-way center line to the nearest residential property line.

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

6. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets or alleys unless greater setback applies by plat note.~~otherwise specified by the Planning and Zoning Commission.~~

7. It shall be unlawful for any owner or occupant of a residentially zoned property to park or allow a third party to park a vehicle in the front, side, rear yard, or sidewalk except on a parking space constructed or installed in accordance with city standards and specifications. For purposes of this subsection, continuous strips of pavement for the tires of a vehicle, otherwise known as Hollywood strips, are permissible.

~~5.~~

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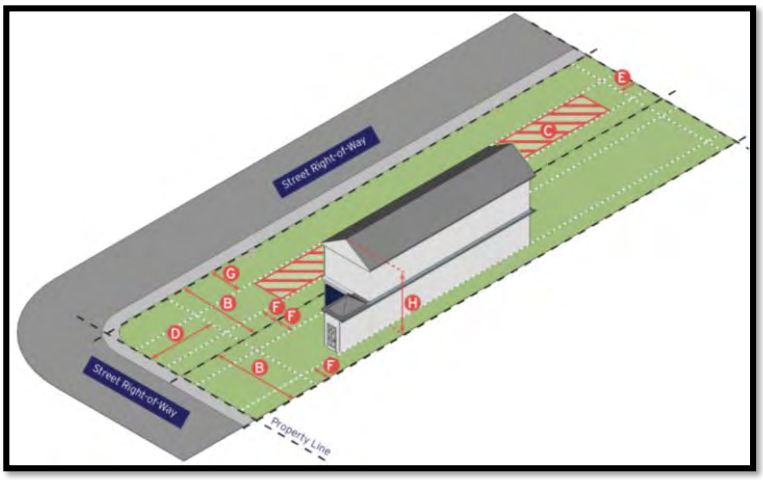
Section 2.2.4. High-Density Residential (R-3) District



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

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
Building Requirements		
H	Building Height (max.)	~~45~~ 50 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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 front yard setback shall be ten (10) feet and 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 highway[3]. This distance shall be measured from the right-of-way center line to the nearest residential property line.

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

~~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.~~ greater setback applies by plat note.

5.

6. Entrances to a carport can be built at zero (0) lot line from the alley, subject to no projection/overhang onto an easement and complying with minimum maneuvering requirement, greater setback applies by plat note.

~~6.~~ The maximum building height may be increased per Section 2.4.1~~Section 2.4.1~~.

7.

8. It shall be unlawful for any owner or occupant of a residentially zoned property to park or allow a third party to park a vehicle in the front, side, rear yard, or sidewalk except on a parking space constructed or installed in accordance with city standards and specifications. For purposes of this subsection, continuous strips of pavement for the tires of a vehicle, otherwise known as Hollywood strips, are permissible.

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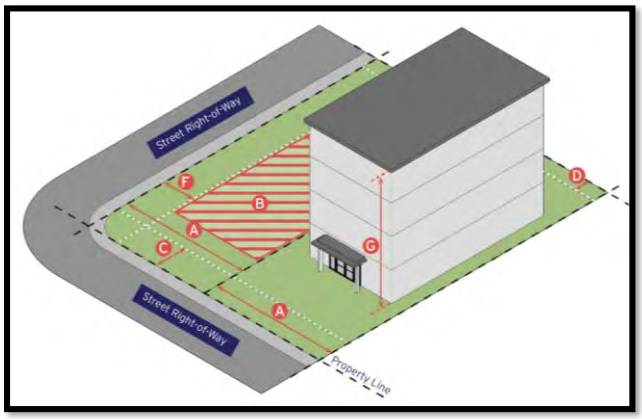
Section 2.2.5. Local Commercial (C-1) District



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

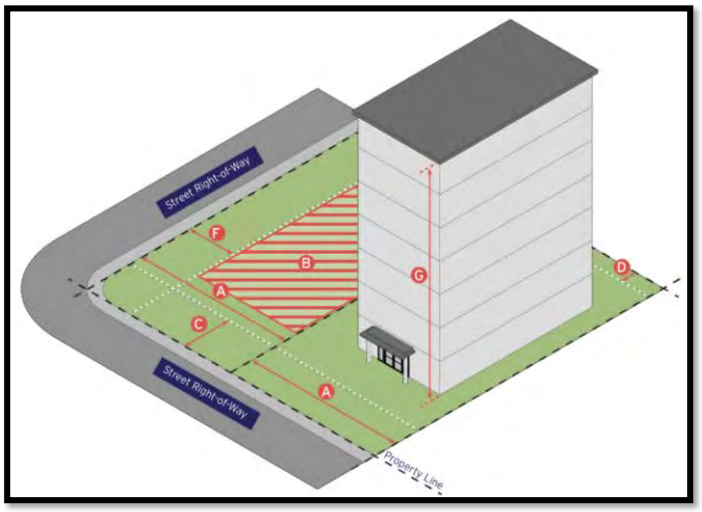
C. Dimensional Standards

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

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.)	5~~0~~* feet
F	Corner Side Yard (min.)	10 feet
Building Requirements		
G	Building Height (max.)	45 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement. * = 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 not adjacent to ~~non~~residential use, and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~Chapter 3~~.

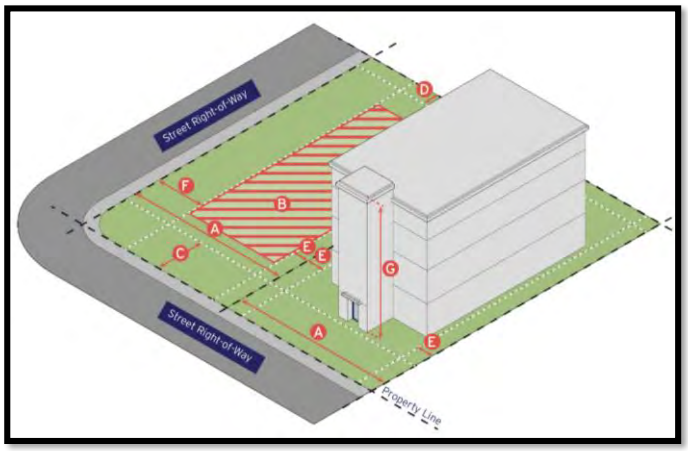
C. Dimensional Standards

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

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.)	5~~0~~* feet
F	Corner Side Yard (min.)	15 feet
Building Requirements		
G	Building Height (max.)	70 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement. * = 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 not adjacent to ~~non~~residential use, and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~Chapter 3~~.

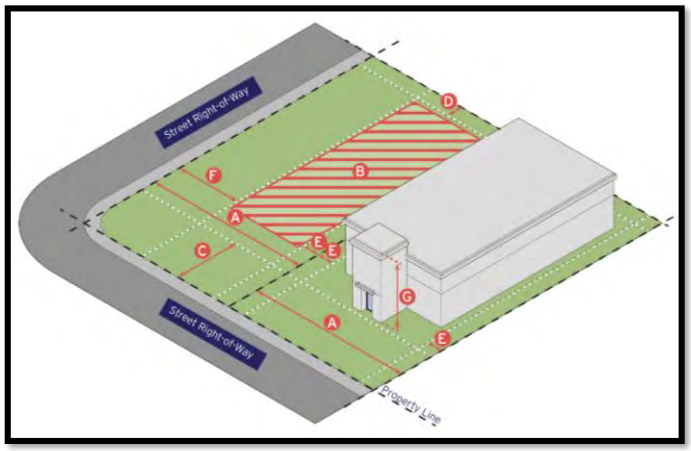
C. Dimensional Standards

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

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
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement. * = 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 not adjacent to ~~non~~residential use and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~Chapter 3~~.

C. Dimensional Standards

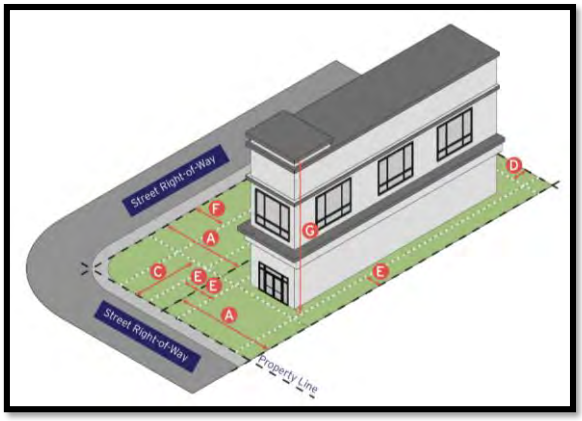
Development in the Heavy Industrial (I-2) District shall follow the standards in Table 2.2.8-1~~Table 2.2.8-1~~.

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		
G	Building Height (max.)	N/A, but Airport Zoning Regulations shall apply
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement. * = 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 not adjacent to ~~non~~residential use and a firewall separates the two side yards.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~Table 3.1.3-2~~ and all applicable regulations in Chapter 3~~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~~.

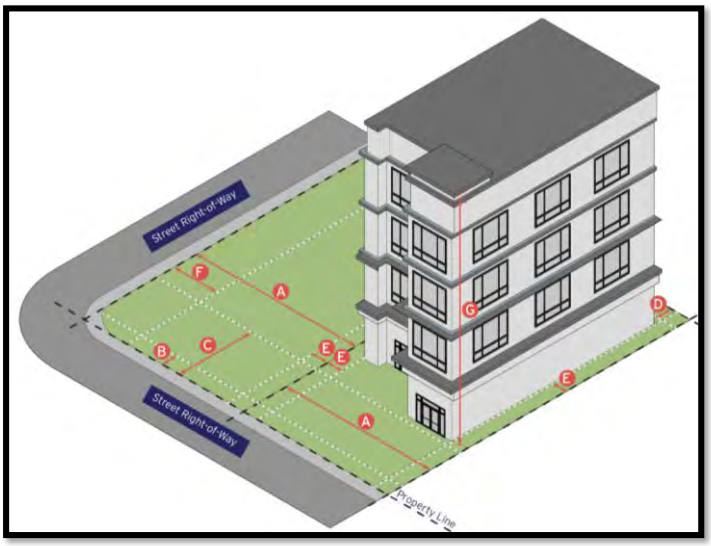
Table 2.3.1-1: M-1 District Dimensional Standards

Local Mixed Use (M-1) District		
Lot Requirements		
A	Lot Width (min.)	20 feet
Setback Requirements		
B	Front Yard (min.)	50 feet
C	Front Yard (max.)	250 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
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3Chapter 3 – Uses Chapter 4Chapter 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 2.4.1Section 2.4.1.
3. Residential dwelling units are limited to no more than fifty percent (7550%) of the development's cumulative building square footage on the ground floor within the Local Mixed Use (M-1) District.
3.4. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets and alleys unless greater setback applies by plat note.

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

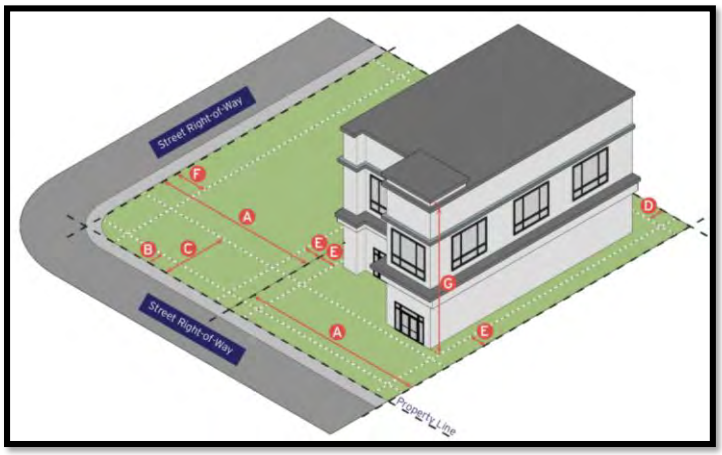
Table 2.3.2-1: M-2 District Dimensional Standards

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
F	Corner Side Yard (min.)	15 feet
Building Requirements		
G	Building Height (max.)	80 feet
Notes		
Wherever there is an easement greater than the setback requirement, the easement will be considered the minimum setback requirement.		
Additional Applicable Requirements within the Zoning Regulations		
Chapter 3~~Chapter 3~~ – Uses Chapter 4~~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~~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 (75~~50~~%) of the development's cumulative building square footage on the ground floor within the Regional Mixed Use (M-2) District.
5. ~~4.~~ Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets and alleys unless greater setback applies by plat note.

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

Table 2.3.3-1: C-C District Dimensional Standards

City Core (C-C) District			
		Subdistrict	
		Downtown (DT)	Uptown (UT)
Lot Requirements			
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~~Chapter 3~~ – Uses Chapter 4~~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. Multiple adjacent full lots of record, owned by the same person/entity, can be considered as one lot if the main use structure straddles the lot line(s).

~~1.~~3. 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.~~4. No encroachment shall be located over on-street parking, a street, or over a side or rear property line.

~~3.~~5. Any building with a footprint greater than fifteen (15,000) square feet may be considered, and require CUP approval.

6. Any building greater than the required maximum building height may be considered, and require CUP approval unless modified per Section 2.4.1~~Section 2.4.1~~.

~~4.~~7. Entrances to a garage or carport shall be a minimum of eighteen (18) feet from streets and alleys unless greater setback applies by plat note.

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~~Chapter 4~~ and any other relevant standards provided in this UDC.

Article 2.4. Overlay Districts

Section 2.4.1. Thoroughfare Overlay (T-O) District

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 below:

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~~Table 3.1.3-2~~ below lists the uses permitted within all zoning districts. All uses are defined in **Error! Reference source not found.** 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~~Table 3.1.3-2~~ are defined as follows:

A. Table Symbology

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

1. In making this determination, the Planning Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.

2. The Planning 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 Planning 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 Planning Director's determination may be appealed pursuant to Section 6.1.15~~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~~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~~.

Table 3.1.3-1: Use-Specific References

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

C. Accessory Uses

Accessory Uses standards are established in Article 3.3~~Article 3.3~~.

D. Temporary Uses

Temporary Uses standards are established in Article 3.4~~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	C-C UT		
Residential														
Industrialized Home (Modular Home)	P	P	P										Section 3.2.2.A~~Section 3.2.2.A~~	2/DU
Live-Work				P					P	P	P	P	Section 3.2.2.B~~Section 3.2.2.B~~	
Manufactured Home	P	P	P									P		
Mobile Home	P													
Mobile Home Park	C													
Multi-Family Dwelling (Apartment)				P					P	P	P		Section 3.2.2.C~~Section 3.2.2.C~~	
Townhouse			P	P					P	P	P	P	Section 3.2.2.D~~Section 3.2.2.D~~	
Detached Single-Family Dwelling	P	P	P	P	C						P	P		
Duplex			P	P							P	P		
Triplex			P	P							P	P		
Fourplex			~~P~~C	P					P	P	P	P		
Bungalow Court			P	P							P	P		
Courtyard Apartment			~~P~~C	P							P	P		
~~Bungalow Court~~			~~P~~	~~P~~										
Multiplex				P						P	P	P		
Elderly Living				P					P	P				1/DU
Lodging / Group Living														1 + 1/guestroom
Bed and Breakfast Facility	C	C	C	C									Section 3.2.3.A~~Section 3.2.3.A~~	
Boarding / Rooming House				P					P	P			Section 3.2.3.B~~Section 3.2.3.B~~	
Dormitory				P					C	C				
Hotel/Motel					C	P			P	P	C	C		
Automotive														

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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	C-C UT		
Auto Dealership						P	P						Section 3.2.4.A~~Section 3.2.4.A~~	1/500 SF Showroom/Waiting /Office Area
Auto Parts Sales						P	P							1/4,000 SF Storage/Display Area
Heavy Auto Repair							P	P					Section 3.2.4.B~~Section 3.2.4.B~~	3/ bay
Light Auto Repair					C	P	P			C	C	C	Section 3.2.4.C~~Section 3.2.4.C~~	
Car Wash					C	P	P	P		C			Section 3.2.4.D~~Section 3.2.4.D~~	
Service Station						P	P	P		P			Section 3.2.4.E~~Section 3.2.4.E~~	
Truck Sales							~~C~~P	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/Night Club (51% sales from alcohol)					C	P			~~P~~C	P	~~P~~C	~~P~~C	Section 3.2.5.A~~Section 3.2.5.A~~	
~~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~~P	C		
Outdoor Commercial Amusement						P	P			C	C			
Convenience Store					P	P			P	P	P	P	Section 3.2.5.B~~Section 3.2.5.B~~	
Feed and Farm Supply	P					P	P							

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	C-C UT		
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.C~~Section 3.2.5.C~~	
Greenhouse or Nursery	P					P	P							1/500 SF
Grocery Store					P	P			P	P	P	P	Section 3.2.5.D~~Section 3.2.5.D~~	
Heavy Equipment Sales and Rental						C	P	P						
Kennel	P				~~P~~C	P			P	P	P	C		
Mixed-Use Development					P	P			P	P	P	P	Section 3.2.5.E~~Section 3.2.5.E~~	
~~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	P			~~C~~P	~~C~~P	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.F~~Section 3.2.5.F~~	1/200 SF
Retail Store					P	P	P		P	P	P	P		1/500 SF
Radio / Television Studio					C	P			C	C	P			
Sexually Oriented Business							C	P					Section 1.1.1.A~~Section 1.1.1.A~~	
Taxidermist	P					P	P							
Theater						P	P			P	C	C		1/4 Fixed Seats 1/100 SF for unfixed seating
Vaper/Smoke Shop					C	P	P			P	C	C		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	C-C UT		
Veterinarian Facility	C				P	P			P	P	P		Section 3.2.5.G~~Section 3.2.5.G~~	
Recreation														
Amphitheater		C	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~~C	P	P	P				P	P	P	~~P~~C		1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space
Private Community Center		P	P	P					P	P				
Country Club	C	C	C											1/500 SF Indoor Space 3/golf hole
Health Club					P	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~~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
Public Swimming Pool		~~P~~	~~P~~	~~P~~	P	P	P	P	P	P				1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space
Public / Institutional														
Cemetery	C				~~P~~C	C	C	C						2/acre
Civic Center				C	P	P			P	P	P	P		1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space
Civic Club or Lodge					P	P			P	P	P	P		

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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	C-C UT		
College or University	C	C	C	C	P	P				C	C	C		Approval by Planning Director
Correctional Facility	C													1/1,000 SF
Fairgrounds	C					P								1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space
Municipal Buildings	C	C	C	C	P	P	P	P	C	P	C	C		Approval by Planning Director
Public Library, Museum, or Art Gallery		C	C	C	P	P			P	P	P	P		1/1,000 SF GFA
Religious Land Use	C	C	C	C	P	P	P	P	P	P	P	P		1/500 SF Indoor Space 1/2,500 SF Outdoor Activity Space
School	C	C	C	C	P	P			P	P	C	~~P~~C		Elementary/Middle School: 2/1 classroom High School: 4/1 classroom
Technical School	C	C	C	C	P	P	P		P	P	C	C		1/1,000 SF
Industrial														
Brewery / Distillery							P	P						1/1,000 SF
Commercial Cleaning Facility								P						
Commercial Kitchen						~~C~~P	P				P	P		
Contractor's Shop and Storage Yard							P	P						
~~H~~eavy Industrial and Manufacturing								~~C~~P						
Light Industrial and Manufacturing							P							
Industrial Park							P	P						
Microbrewery						P	P	P	P	P	P	P		

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		
Research and Development						C	P	P		C				
Salvage Yard							C	P					Section 3.2.7.A~~Section 3.2.7.A~~	
Self-Storage (Mini-Warehouse)						P	P	P		C			Section 3.2.7.B~~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	P		1/500 SF
Assisted Living Facility				P	P	P			P	P				
Chemical Dependency Facility					C	P								
Child Care Facility~~, Children's Home~~	P	P	P	P	P	P					C	C		
~~Child Care Facility,~~ Daycare				C	P	P			P	P	P	P		
Child Care Home (≤ 6 Children)		P	P	P					P					
Child Care Home (~~≥~~ 7-12 Children)		C	P	P					P	P				
Clinic						P				P	P	P		1/500 SF
Community Home for Persons with Disabilities		P	P	P										1/1,000 SF
Crematorium							P	P						2/acre + 1/500 SF Indoor Space
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														

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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	C-C UT		
Airport	~~C~~P						P	P						N/A
Bus Terminal						P	P			P				
Parking Facility			C	C	P	~~C~~P	P	P	C	C	~~C~~P	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														
Data Center								P						1/1,000 SF
Electrical Substation	P	C	C	C	C	~~C~~P	P	P						
Gas Metering Station	P	C	C	C	C	C	~~C~~P	P						
Governmental Service Yard	P					P	P	P						
Power Plant and Battery Storage facility							P	~~C~~P						
Eligible Facility (Cell Towers, etc.)	C	C	C	C	C	C	C	C	C	C	C	C	Section 3.2.8.A~~Section 3.2.8.A~~	
Recycling Facility						C	C	P					Section 3.2.8.B~~Section 3.2.8.B~~	
Solid Waste Facility								~~C~~P					Section 3.2.8.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
Agritainment	C												Section 3.2.9.A~~Section 3.2.9.A~~	
Feedlot	~~P~~C													

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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		
Commercial Stable	P													
Accessory Uses														
Accessory Building	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~~Section 3.3.5.A~~	1/DU
Barndominium	P													
Carport	P	P	P	P	P	P	P	P	P	P	P	P		N/A (refer to primary use)
Donation and Collection Bin					P	P	P	P	P	P			Section 3.3.5.B~~Section 3.3.5.B~~	
Fuel Pump	P				P	P	P	P	P	P	C	~~P~~C	Section 3.3.5.C~~Section 3.3.5.C~~	
Home Occupation with Impact	C	C	C	C					C	C	C	C	Section 3.3.5.D~~Section 3.3.5.D~~	
Garage		P	P	P	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	P		
Outdoor Display	~~P~~C					~~P~~C	P	P	~~P~~C	P	~~P~~C	~~P~~C	Section 3.3.5.E~~Section 3.3.5.E~~	
Outdoor Storage	~~P~~C						P	P					Section 3.3.5.F~~Section 3.3.5.F~~	
Portable Building	P				C	C	P	P	C	C	C	C		
Private Stable	P													
Private Swimming Pool	P	P	P	P	P	P			P	P	P	P		
Service Bay	P				P	P	P	P	P	P			Section 3.3.5.G~~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~~Section 3.3.5.H~~	
Temporary Uses														
Batching Plant	P	P	P	P	P	P	P	P	P	P	P	P		N/A

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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		
Construction Yard	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		
Flea Market	P					~~P~~C				~~P~~C				1/500 SF
Farmer's Market	~~P~~				C	P			C	P			Section 3.4.4.A~~Section 3.4.4.A~~	
Itinerant Vendor					P	P	P		P	P	P	P	Section 3.4.4.B~~Section 3.4.4.B~~	N/A
Mobile Food Vendor					P	P	P		P	P	P	P	Section 3.4.4.C~~Section 3.4.4.C~~	
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~~Section 4.3.4~~.

~~1.~~2. Alleys will be required for multi-family dwelling (apartment) developments as determined by the Development Team.

D. Townhouse

1. No Townhouse shall exceed eight (8) units from end unit to end unit[4].

[4] 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.

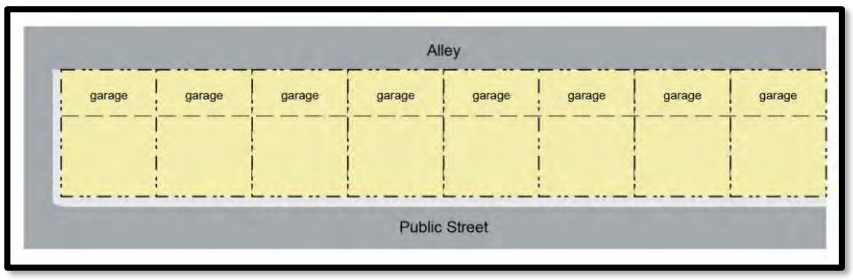
2. Alleys will be required for townhouse developments as determined by the Development Team.

~~1.~~

~~2. All parking shall occur on the public right-of-way or shall provide rear entry parking garages where alley access exists.~~

3. Refer to Figure 3.2.2-1~~Figure 3.2.2-1~~ for further clarification regarding townhouse dimensional standards.

Figure 3.2.2-1: Townhouse Dimensional Standards



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.

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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.
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~~Regional Commercial (C-2) and Light Industrial (I-1) Districts
   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~~ one half (~~500~~0.5) ~~feet~~ mile 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.
   ~~c.~~f. Carwashes shall not be located at the corner of any intersection of two minor arterial streets or higher pursuant to the city's thoroughfare plan.
2. ~~All Other Zoning Districts~~ Local Commercial (C-1) and Regional Mixed-Use (M-2) Districts
   a. ~~A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.~~ Conditions as in 3.2.4.D.1.a-f plus a Conditional Use Permit (CUP) is required.
   ~~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~~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.~~A. Bar (51% sales from alcohol)

General Requirements

The following are general requirements applicable to bars, (including but not limited to cocktail lounges, taverns, cantinas, saloons, dancehalls, event centers, discotheques, discos or nightclubs:):

1. The property line of the lot of any of the abovementioned businesses must be at least 300 feet from the nearest property line of the lot of any 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.
2. The above-mentioned businesses 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.
3. The above-mentioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets, businesses, or residences for parking, especially those in adjacent residential areas, by providing additional onsite parking. Upon a business's written request, the City, in its sole discretion, may consider the acceptance of a fee in lieu of strict compliance with the off-street parking requirements.
4. The above-mentioned businesses 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 above-mentioned businesses 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, hiring of security personnel, 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 businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The abovementioned businesses 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.

Specific Requirements for C-2 and M-2 Zones:

1. Adequate Lighting - Lighting must be provided at each entrance and exit as well as at the rear of the establishment if adjacent to the alley or on a corner lot.
2. Security Personnel - security personnel must be provided based on the occupancy load provided by the chief building official. The total number of security personnel shall be one per every 75 patrons plus one supervising security personnel for every five security personnel required. All security personnel must be present at all times and properly identifiable.
3. Security Cameras - The installation of security cameras will be required at each entrance and exit to the establishment plus one additional camera for every 500 square feet of floor area. Dummy cameras are prohibited and signs should be posted that the establishment is under video surveillance. At the City's request the permittee shall install additional video cameras on the exterior of the building. Security cameras must have a minimum retention load 7 days.
4. Noise Control - Outdoor amplified music must comply with the McAllen Code of Ordinances, including but not limited Chapter 46, Article V, as it may be amended from time to time. Speakers must be directed towards the establishment and away from surrounding properties.
5. Age Verification and Control:
    a. Enforce the use of stand-alone age-verification device(s) scanning a Real ID and utilizing supporting tracking software.
    b. Mark all occupants that are under the age of 21 years with UV ink and track the same using blacklight devices throughout the business, including but not limited to point(s) of sale; and
    c. Provide reports related to identity and number of occupants, generated by the age-verification device/system as may be requested by city staff at any time. The reports should be organized by month, and for each day of the month, contain the following information:
        - Scan time
        - Last name
        - ID number
        - State of issuance
        - Date of birth
        - Age result (21+ / -21);
6. Litter Control - Take necessary and reasonable provisions to keep litter to a minimum, and to keep it from blowing onto or being deposited on adjacent streets and properties.
7. Maximum Occupancy - restrict the number of persons within the premises to the maximum occupancy load established by the building official.
8. Additional Requirements - The Planning Director may impose additional requirements or limitations as he deems necessary, in his sole discretion to preserve public safety, health, and general welfare.
9. Automatic right of entry is required by Code, Fire, Police and Building Departments' personnel at any time.
10. Deny entry to intoxicated persons in to the establishment.
11. The establishment must maintain all required TABC licenses.

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Specific Requirements for C-1, C-C, and M-1 Zones:

In addition to the requirements outlined above for C-2 and M-2 Zones, the following additional requirements apply:

1. Change of Ownership - Any change in ownership of an establishment shall cause the conditional use permit to expire, and require an inspection by the building official. It shall be a condition of a conditional use permit that the permittee notify the director of planning in writing of any change in ownership, and further notify any prospective new owner in writing of the requirement to apply for a conditional use permit in order to operate.
2. A copy of the lease agreement
3. Property owner's name and authorization are required on the application
4. Security cameras must have a minimum retention load 30 days.

~~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.~~

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~~C.~~B. Convenience Store

1. A Convenience Store including fuel pumps shall meet the following requirements and those regulations established in Section 3.3.5~~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.~~C. 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. A ~~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 site plan application. ~~and registration fee of $300.00.~~

~~E.~~D. 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.~~E. 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.

~~G.~~F. ~~A Mixed-Use Development comply with the regulations established in Article IV, Division 3.~~Restaurant (Less than 51% sales from alcohol)

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.~~is required as per the Access Management Policy.

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 is required as per the Access Management Policy.~~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.

G. Sexually Oriented Business

1. A Sexually Oriented Business shall meet the requirements established in *Chapter 54, Article VI – Sexually Oriented Business Regulation*.

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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.
~~8.~~9. Must meet all TCEQ and other applicable regulations.

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. Any outdoor storage visible from the street must be screened.
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.[5]

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,

[5] **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.

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),6 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 request7, 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~~a~~.(i)~~(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~~a~~.(i)~~(i)~~. and a~~a~~.(ii)~~(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~~a~~.(i)~~(i)~~. and a~~a~~.(ii)~~(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.[8]

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;

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[6] **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").
[7] **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.
[8] **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;[9]

(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

[9] ***Note—*** *Changes in height should be measured from the original support structure in cases where deployments are or shalll 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).*

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

(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 14.gg, 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 Review[10]

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

[10] **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.

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

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 ~~22~~.~~dd~~.~~(ii)(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.[11]

f. Remedies

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

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[11] **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.

g. Interaction with Section 332(c)(7)[12]

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,[13] as interpreted by the 2014 Infrastructure Order,[14] 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 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.[15]

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.

~~3.~~4. A minimum continuous 6-foot opaque buffer shall screen the use from all sides.

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.

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[12] **Note—** 47 U.S.C. § 332(c)(7).
[13] **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").
[14] **Note—** Set out in 2014 Infrastructure Order ¶¶ 258—260.
[15] **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.

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.
~~4.~~5. Adequate parking spaces shall be provided as determined by the Planning Director.

Article 3.3. Accessory Use Regulations

Section 3.3.1. Purpose

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~~Chapter 6~~.

Section 3.3.3. Interpretation of Unidentified Accessory Uses

The Planning 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~~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;

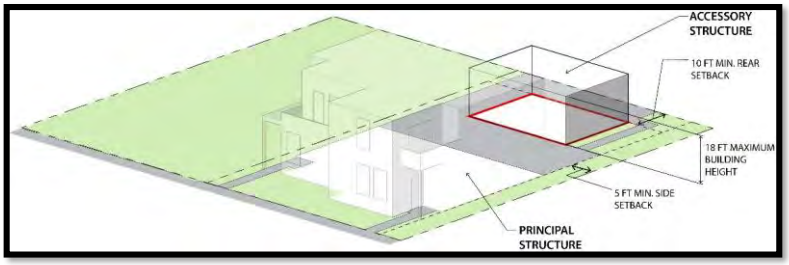
C. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and

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~~Section 3.3.5~~ and all standards applicable to the associated principal use as set forth in Chapter 3~~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 Planning 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~~ eighteen (1~~5~~) 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. ~~4.~~ 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 and/or the size 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~~.

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~~smaller than 6,500 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~~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~~ code ~~or Fire Marshal~~, including fire rating, if needed.

K. Off-street parking shall be adequate to accommodate the proposed temporary use.

Section 3.4.4. Temporary Use-Specific Regulations

A. Farmers Market

~~1.~~ Farmers Markets shall be permitted by right on all publicly owned properties in all zoning districts.

B. Itinerant Vendors

~~1.~~ Itinerant Vendors shall comply with the regulations established in Chapter 78 of the Code of Ordinances.

C. 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.

D. 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, no 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. ~~*Figure 3.4.4-1: Pop-Up Market Flowchart*~~

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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 of 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~~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~~Article 4.2~~	Addresses the various yards, setbacks, and dimensional requirements that apply to a lot or development
Site Design Requirements	Article 4.3~~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~~Article 4.4~~	Provides for when parking is required and how a site manages parking accommodations
Loading	Article 4.5~~Article 4.5~~	Regulates when loading is required and how a site has to accommodate loading areas
Landscaping	Article 4.6~~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~~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~~Article 4.8~~	Regulates site lighting to minimize light pollution while balancing the desire for safely lit properties
	A~~A~~	Provides requirements for on-site trash and refuse facilities that improves the development aesthetic
Signs	Article 4.9~~Article 4.9~~	Regulates the various sign types and prescribes allowances based on zoning districts
Infill Development Standards	Article 4.10~~Article 4.10~~	Addresses instances where redevelopment is to occur on previously developed lots
Performance Standards	Article 4.11~~Article 4.11~~	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~~Table 4.2.3-1: Yards and Setbacks Key~~, Figure 4.2.3-1: Yards and Setbacks Summary~~Figure 4.2.3-1: Yards and Setbacks Summary~~, and Figure 4.2.3-2: Yards and Setbacks Summary (Street Perspective)~~Figure 4.2.3-2: Yards and Setbacks Summary (Street Perspective)~~.

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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)

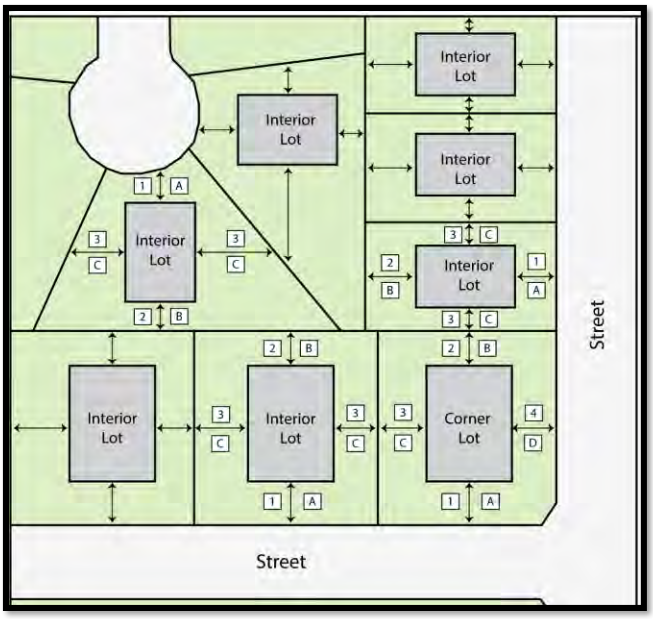
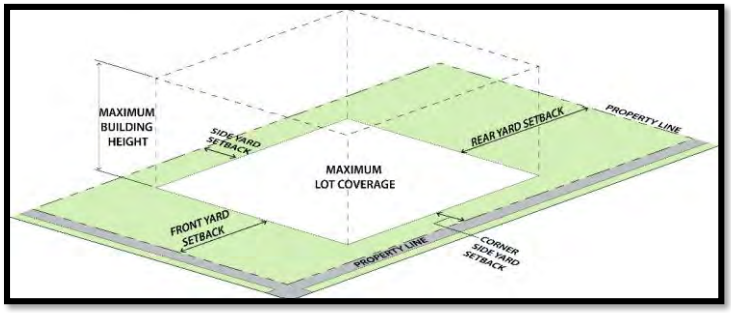


Figure 4.2.3-2: Yards and Setbacks Summary (Street Perspective)



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.

~~2.~~3. Plat notes may supersede this requirement if more restrictive than the code.

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 deckline 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;

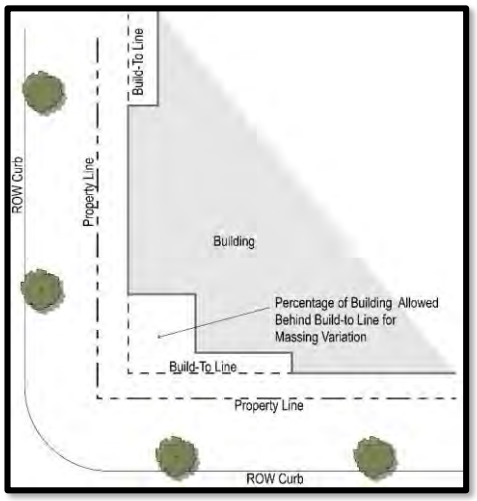
9. Ornamental cupolas, domes or spires; and
10. Parapet walls less than four (4) feet in height.

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 Figure 4.2.5-1~~Figure 4.2.5-1~~.

Figure 4.2.5-1: Frontage Buildout Illustration



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~~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

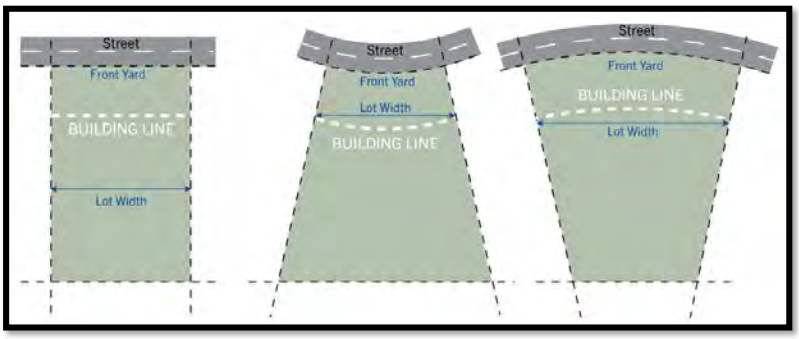
A. Lot width is the distance parallel to the front property line, measured at the front ~~setback~~ property line.

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~~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 (Standard Design Guide?)

~~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.~~

~~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.~~

~~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.~~All signage, fencing, and structures must comply with sight visibility triangle which can be found in Standard Design Guide (SDG). Any landscape feature in sight visibility triangle must be maintained lower than three (3) feet in height.

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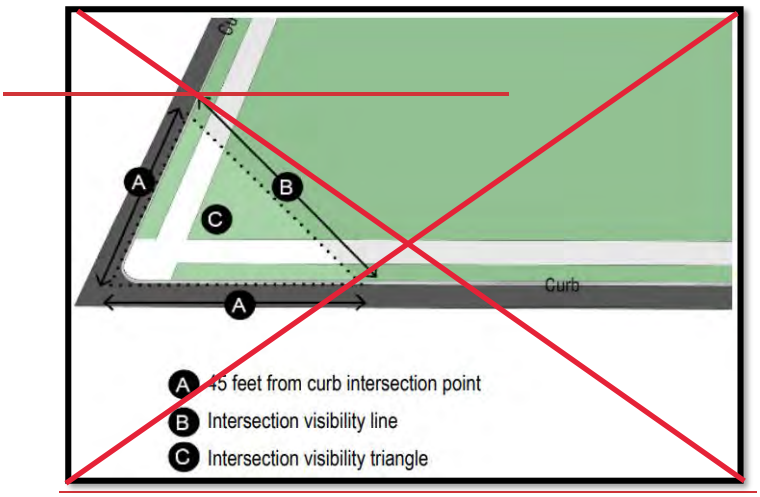
~~3.~~

~~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).~~

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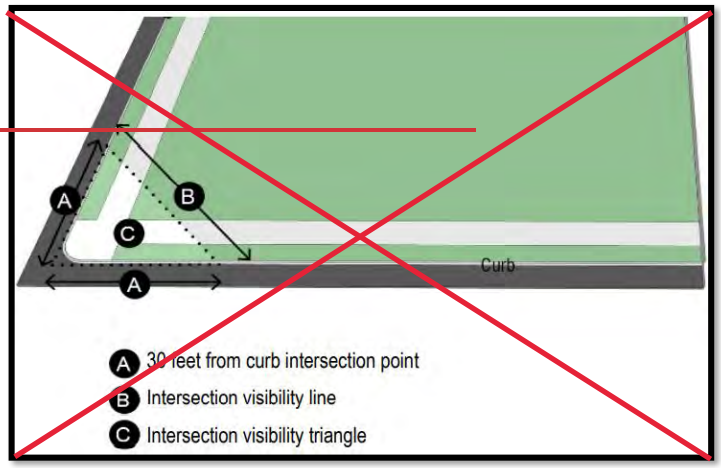
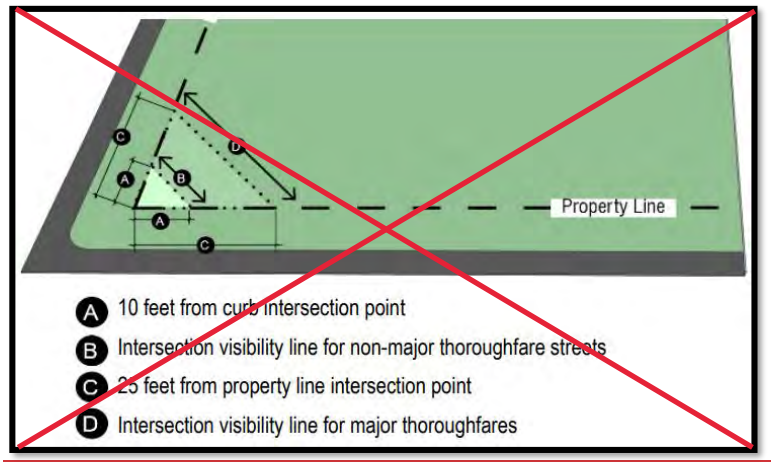
~~*Figure 4.2.9-2: 30' Sight Visibility Triangle*~~



~~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) outside City right-of-way: **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~~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 BB 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 BB 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~~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~~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 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: **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 Planning 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 ee above.

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

2. Building Articulation

Alternative articulation standards which differ from the requirements found in Subsection ee 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 4.4.4~~Section 4.4.4~~. 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 Planning 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~~Table 3.1.3-2~~.

E. Accessible Parking Space Requirement

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Number of Parking Spaces in Parking Area	Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

~~F.~~ One in every eight accessible parking spaces but not less than one shall be serviced by an access aisle eight feet wide minimum and shall be designated "van accessible." An access aisle not less than five feet in width for automobiles and eight feet in width for vans shall be required adjacent to designated accessible parking spaces, or otherwise conform with the Texas Accessibility Standards of the Architectural Barriers Act Article 9102, Texas Civil Statutes. An access route not less than three feet in width shall be provided from public transportation, accessible parking spaces, accessible passenger loading zones and public streets or sidewalks to the accessible building entrance.

~~Section 4.4.4.~~ Parking of any road tractor, semi-trailer or truck, as such terms are defined in section **102-201** of the Code of Ordinances, is prohibited on any properties zoned residential (R-1,

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R-2, and R-3) or City Core (C-C) District, except as may be allowed by section **102-202**. This prohibition is applicable to any new or existing single-family or multifamily residence notwithstanding Chapter 7 (Nonconformities) of this UDC, regarding the date of the subdivision in which the residence is located, the date of annexation of the property on which the residence is located, or the fact that it was not per se unlawful to park or allow the proscribed vehicle to be parked on the property prior to the date this prohibition was adopted by the city commission. In the prosecution of any violation of this subsection there shall be a rebuttable presumption that the owner and/or occupant of the property where the proscribed vehicle is parked either parked the vehicle or allowed the vehicle to be parked there.~~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.~~

F. ~~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.~~Section 4.4.4. Reductions to Parking Requirements

A. Generally

1. In specific instances established below, a reduction in required parking spaces may be approved by the Planning Director or ~~Planning and~~ Zoning Board of Adjustment ~~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.

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3. The maximum required parking reduction shall not exceed forty percent (~~40~~25%) unless specifically authorized in this Section.

B. Planning 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 Planning 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 Planning Director shall base this decision on the criteria established for each parking reduction.

b. Parking Study

The Planning 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. Other than residential uses ~~E~~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~~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 create a safety hazard, 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~~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~~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~~Table 3.1.3-2~~ for that particular use.

9. Downtown (DT) District

Any non-residential permittees in Downtown (DT) District that do not comply with the city's off-street parking requirement by providing the required minimum number of parking spaces shall in lieu of such compliance pay the applicable fee appearing in the table that follows. Payment of said fee shall be a condition, respectively, for: (i) the issuance of a building permit or the finaling of a miscellaneous inspection by the building official; and (ii) the issuance of a Conditional Use Permit; However, no additional fee shall be required whenever the same permittee applies to the building official for a building permit or a miscellaneous inspection within three years of being issued a Conditional Use Permit. In all cases the applicable fee shall be based on the square footage of any space for which the building official issues a building permit or conducts a miscellaneous inspection:

Gross Square Footage	Fee
Less than 2,500 sq. ft.	$1,000.00
2,501—5,000 sq. ft.	$1,500.00
5,001—10,000 sq. ft.	$2,000.00
10,001—15,000 sq. ft.	$2,500.00
15,001—20,000 sq. ft.	$3,000.00
Over 20,000 sq. ft.	$3,500.00

C. All other adjustments must go to the Zoning Board of Adjustments.

~~Section 4.4.6.~~Section 4.4.5. Bicycle Parking Facilities

A. Generally

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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 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 4.4.5-1~~Table 4.4.5-1~~.

Table 4.4.5-1: Minimum Bicycle Parking Ratios

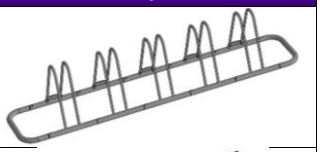
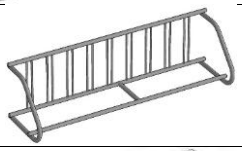
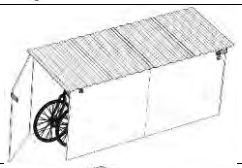
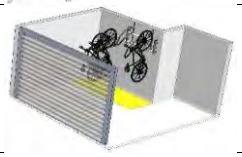
Use Type	Minimum Bicycle Parking Ratios
Multi-Family Dwelling	2/40 DU
Mixed-Use Building	2/1,000 SF
Bar	1/1,000 SF
Brewpub	1/1,000 SF
Restaurant	1/500 SF
Non-Residential Building (larger than 10,000 SF)	1/5,000 SF

C. Bicycle Parking Facility Types

Where bicycle parking is required, one of the following bicycle parking facility types established in Table 4.4.5-2~~Table 4.4.5-2~~ shall be provided.

Table 4.4.5-2: 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~~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~~.

Table 4.5.4-1: Required Loading

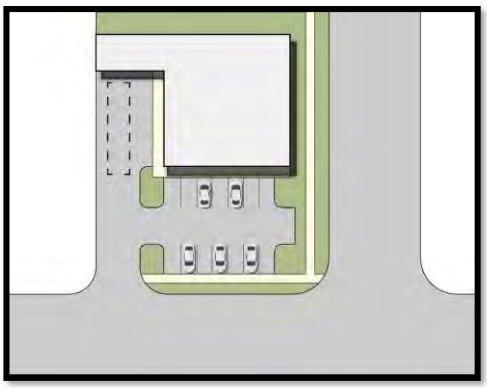
Minimum Required Number of Spaces by Land Use Category						
Floor Area Square Footage	Automotive	Commercial	Public/Institutional	Industrial	Transportation	Infrastructure
0 – 10,000	0	0	0	0	0	0
10,001 – 15,000	1	1	0	1	1	1
15,001 – 25,000	2	1	1	2	2	2
25,001 – 50,000	2	2	2	3	2	2
50,001 – 100,000	3	3	3	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~~Article 4.6~~ and Article 4.7~~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.

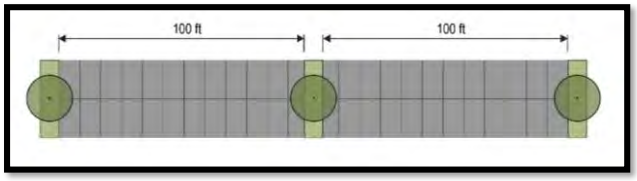
D. If a certificate of occupancy is sought at a season of the year in which the Planning Director determines that it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating 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. Trees and shrubs are not permitted in detention areas.
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 (see Figure 4.6.4-1~~Figure 4.6.4-1~~).

Figure 4.6.4-1: Parking Facility Tree Landscape Area Requirements



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~~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~~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 as approved by the Development Team, 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. (See sample list in Appendix B)

~~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. Tree credits as per Section 4.6.5.E may be used.

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~~Section 4.6.4~~.C~~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 Planning Director for review a survey of the property in question which includes all trees with a DBH of over twenty (20) inches.

C. The Planning 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 Planning Director.

B. The Planning 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~~City Engineer.
5. No screening device shall conflict with the sight visibility triangle requirements of Section 4.2.9~~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~~Section 4.6.4~~.C~~G~~ and is deemed acceptable by the Planning 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~~ Building Official 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~~.

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~~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~~Section 4.6.4~~.~~C~~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~~Building Official.

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 Section 1.1.1.A~~Section 1.1.1.A~~.

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.~~e. 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.

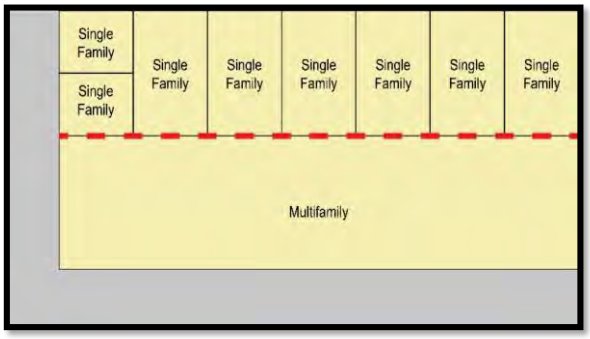
~~g.~~f. A screening device meeting the standards established in Table 4.7.3-1~~Table 4.7.3-1~~ shall be constructed on nonresidential property adjacent to residential property lines.

~~h.~~g. 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.~~h. 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.~~i. 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~~).

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

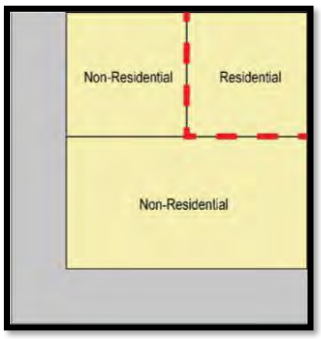


~~k.~~j. No screening device or fence greater than three feet shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the Zoning Board of Adjustment through a variance request.

~~l.~~k. 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~~).

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



~~m.~~l. 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

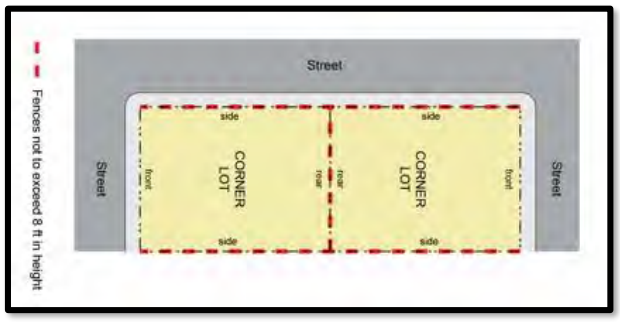
A. Generally

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.~~as per Standard Design Guide.
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~~ Building Official 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

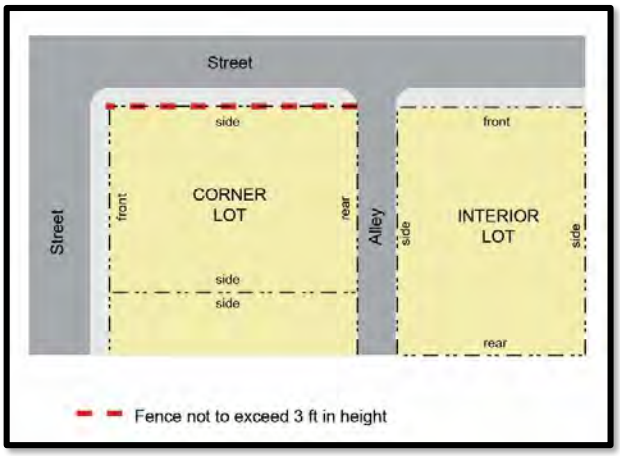
1. On all corner lots in residential districts that have opposing rear property lines, fences may be constructed not to exceed eight (8) feet in height along the side and rear property lines, as indicated in Figure 4.7.4-1~~Figure 4.7.4-1~~. Fencing for corner lots shall comply with sight visibility standards 4.2.9.

Figure 4.7.4-1: Fence Height Restrictions for Corner Lots with Opposing Rear Property Lines



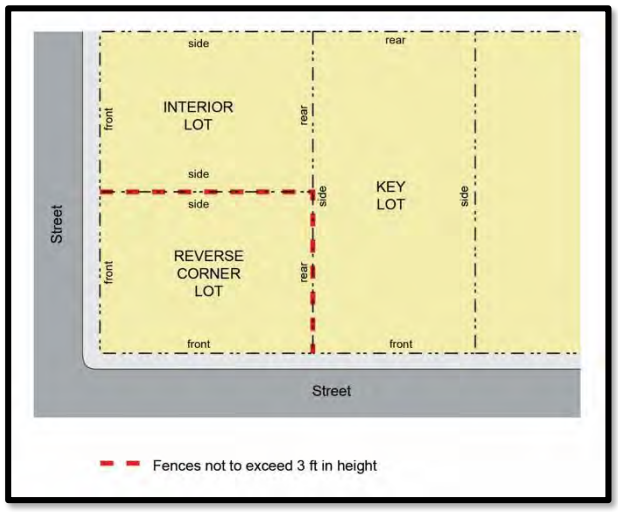
2. On all residential district corner lots where the rear property line is opposed to a side property line across an alley from that side property line, no fence exceeding three (3) feet in height shall be constructed upon or within the side yard that is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in Figure 4.7.4-2~~Figure 4.7.4-2~~.

Figure 4.7.4-2: Fence Height Restrictions for Corner Lots with Opposing Rear and Side Property Lines



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 4.7.4-3~~Figure 4.7.4-3~~.

Figure 4.7.4-3: Fence Height Restrictions for Key Corner Lots



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, and other materials as approved by the Planning Director.

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.

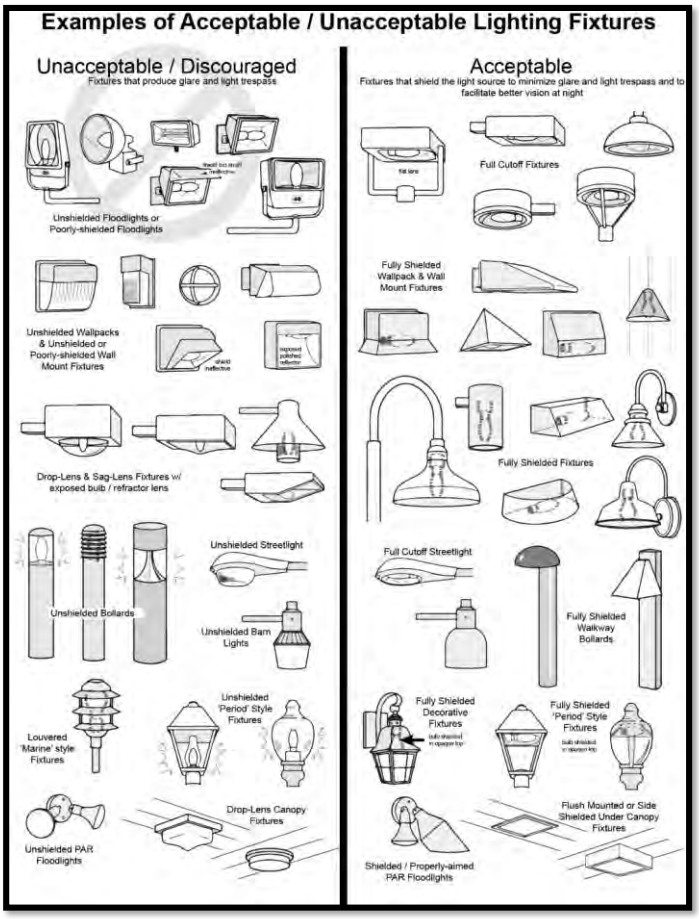
B. Before certificate of occupancy issuance for any building or structure, all lighting shall be in place in compliance with this Article IV, Division 8.

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~~ Building Official 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~~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~~ Building Official 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 Building Official~~Director~~.

B. The Building Official ~~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~~ by the Zoning Board of Adjustment.

 A. Any lighting fixture height greater than those granted through a minor modification requires a variance by the Zoning Board of Adjustment. Refuse Containers and Enclosures

~~Refuse Containers and Enclosures~~

~~Section 4.8.7. 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 4.8.8. 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 4.8.9. 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.~~

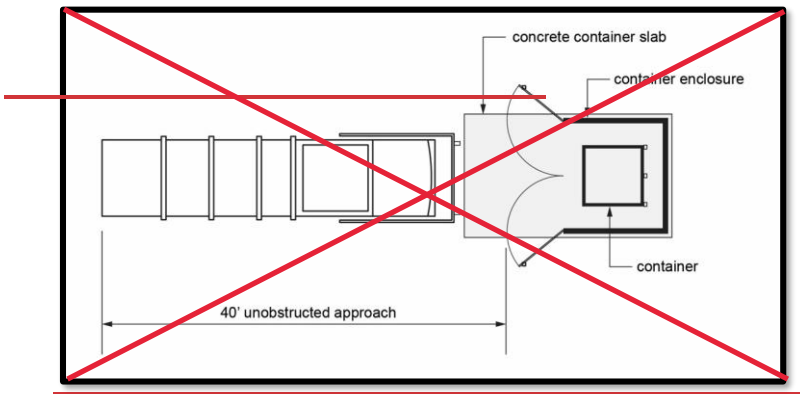
~~2. Refuse containers shall not be located within the required parking area or setback.~~

~~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, as indicated in Figure 4.9.3-1. 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.~~

~~*Figure 4.9.3-1: Straight Backing Requirements for Enclosure Approaches*~~



~~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 4.8.10.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.~~

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Article 4.9. Signs

Section 4.9.1. 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 4.9.2. 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 4.9.3. 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 (unless regulatory in nature).

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~~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 4.9.4. 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. Existing ~~N~~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, that are not visible to the public or persons outside of the property. ~~-~~

H. Signs which are located in or adjacent to building entrances or foyers for informational purposes only.

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 4.9.5. 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.

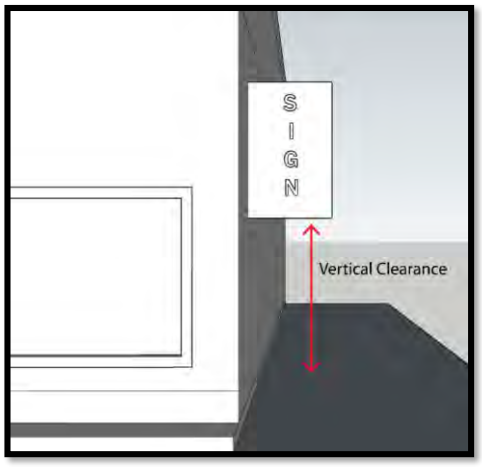
B. Maintenance

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 Planning 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~~ eight (~~7~~8) feet from the back of the curb or highest point as shown in Figure 4.9.5-1: Sign Vertical Clearance~~Figure 4.9.5-1: Sign Vertical Clearance~~ unless specified elsewhere in this Division.

Figure 4.9.5-1: 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 and/or Utility Easement

   No person shall place or install a sign within the right-of-way of any public street or any utility easement 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.~~

   a.

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Section 4.9.6. Computations and Interpretations

A. Sign Faces and Sign Application

Area of sign face means the entire area within a single continuous perimeter enclosing the total sign message or display area of a sign, excluding supports and excluding border and trim, whose total square footage does not exceed 50 percent of the sign face area; the area of stacked and side-by-side signs shall be computed as the total of sign panels making up such a sign; for multiple-faced signs (back-to-back, triangular, columnar, V-type, etc.) only one sign face shall be counted in computing the actual sign area.

~~A.~~

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~~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.~~

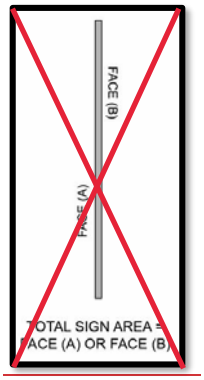
~~2. Two-Sided Sign, Front and Back~~

~~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~~

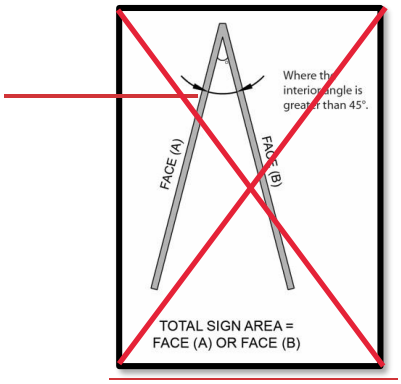
~~a. Two sign faces where the interior angle between the two faces is forty-five (45) degrees or less. The sign area is calculated separately for each sign face. The maximum permitted sign area applies to each sign face (refer to Figure 4.10.6-1).~~

~~*Figure 4.9.6-1: Sign-Area Calculation for Dual-Faced Architectural Sign Structures with Small Angles*~~



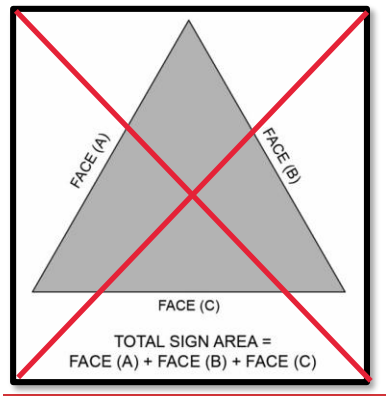
~~b. Two sign faces where the interior angle between the two faces is greater than forty-five (45) degrees. The sign area is the sum of the individual sign faces. The combined sign area of the two faces shall not exceed the maximum permitted sign area (refer to Figure 4.10.6-2).~~

Figure 4.9.6-2: Sign-Area Calculation for Dual-Faced Architectural Sign Structures with Large Angles



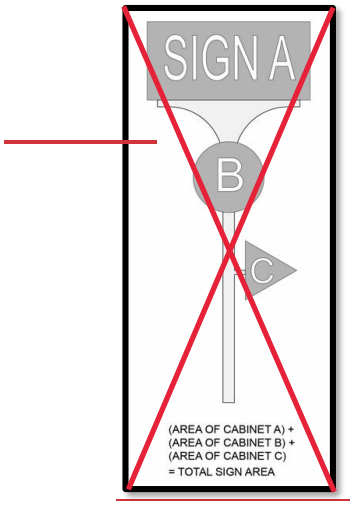
c. Where more than two sign faces exist on a single architectural structure, the sign area is the sum of the individual sign faces. The combined sign area of the faces shall not exceed the maximum permitted sign area. Refer to Figure 4.10.6-3 to further clarify sign-area calculations for an architectural structure with more than two faces.

Figure 4.9.6-3: Sign-Area Calculation for Multi-Faced Architectural Sign Structures



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 (refer to Figure 4.10.6-4).

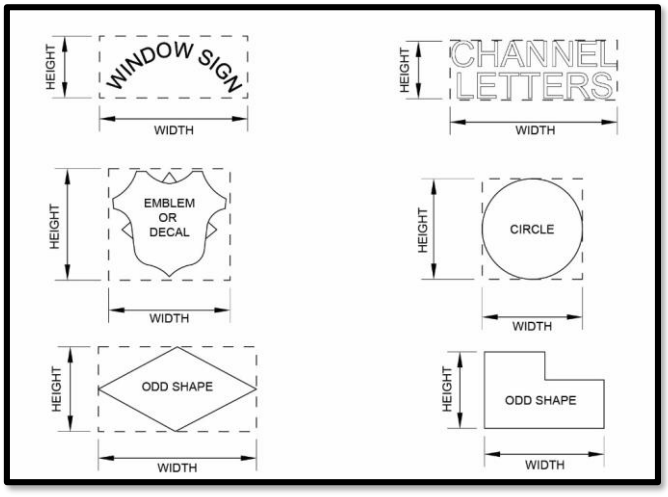
~~*Figure 4.9.6-4: Sign-Area Calculation for Non-Architectural Supporting Sign Structures*~~



~~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. Refer to Figure 4.10.6-5 to further clarify the sign-area of irregularly shaped signs.~~

Figure 4.9.6-1: Sign-Area of Irregularly Shaped Signs *for measurement purposes*



~~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 typography necessary for development of the property).~~

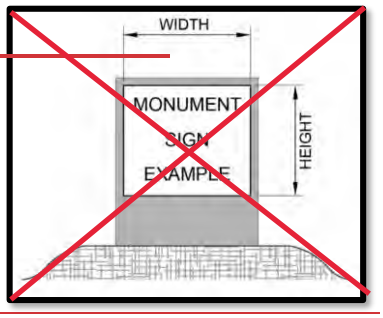
~~(iii) The vertical line may not exceed the height allowed for the sign at that location.~~

~~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~~

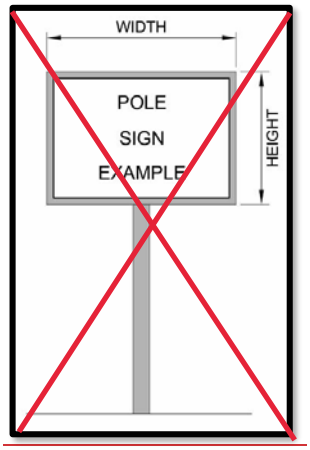
display or used to differentiate the sign from the backdrop or structure against which it is placed (refer to Figure 4.10.6-6).

Figure 4.9.6-6: Sign Area - Monument Sign Dimensional Standards



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 (refer to Figure 4.10.6-7).

Figure 4.9.6-7: Sign Area - Pole Sign Dimensional Standards



C. Sign Measurement Variables

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

1. Lot;

2. Storefront;

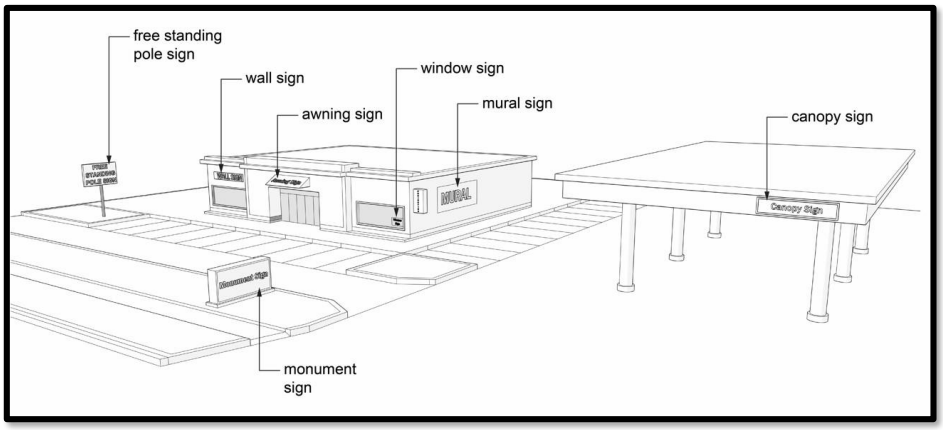
3. Entrance;

4. Grounded Canopy;

~~5. Window; or~~

~~6. Building.~~

Figure 4.9.6-2: Sign ~~Measurement Variables~~Examples



Section 4.9.7. Sign Features

Signs may incorporate the following features established below; however, these features shall only be allowed as established in the tables in Section 4.9.8~~Section 4.9.8~~ through Section 1.1.1~~Section 1.1.1~~.

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 4.9.8~~Section 4.9.8~~ through Section 1.1.1~~Section 1.1.1~~ for each sign type. Figure 4.9.7-1: Sign Illumination Examples~~Figure 4.9.7-1: 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.

Figure 4.9.7-1: 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 4.9.7-2~~Figure 4.9.7-2~~ shows examples of signs that incorporate EMCs).

b. Permanent signs may incorporate EMCs as indicated in the tables in Section 4.9.8~~Section 4.9.8~~ through Section 1.1.1~~Section 1.1.1~~ for each sign type.

c. Temporary signs shall not incorporate EMCs.

Figure 4.9.7-2: 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~~Building Official.

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 ce 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.

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C. Channel Letters

1. Generally

a. Permanent signs may incorporate channel letters as indicated in the tables in Section 4.9.8~~Section 4.9.8~~ through Section 1.1.1~~Section 1.1.1~~ for each sign type (Figure 4.9.7-3: Channel Letter Examples~~Figure 4.9.7-3: Channel Letter Examples~~ shows examples of channel letters used as signs).

b. Temporary signs shall not incorporate channel letters.

Figure 4.9.7-3: 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 4.9.8~~Section 4.9.8~~ through Section 1.1.1~~Section 1.1.1~~ for each sign type (Figure 4.9.7-4: Changeable Copy Sign Examples~~Figure 4.9.7-4: Changeable Copy Sign Examples~~ shows examples of signs that incorporate changeable copies).

Figure 4.9.7-4: 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 4.9.8. 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 4.9.9. 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 4.9.10.~~Section 4.9.8. 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 4.9.8-1: 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 4.9.8-1~~Table 4.9.8-1~~ establishes the standards for Monument Signs.

Table 4.9.8-1: Monument Sign Standards

Monument 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	--	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	--	--	✓	✓	--	✓
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 4.9.8-1~~Table 4.9.8-1~~ 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 utility easement or a sight visibility triangle as provided in Section 4.2.9~~Section 4.2.9~~ unless exempt pursuant to Section 4.9.5~~Section 4.9.5~~.D~~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 4.9.7~~Section 4.9.7~~ and the allowances established in Table 4.9.8-1~~Table 4.9.8-1~~.

B. Pole Signs

Figure 4.9.8-2: 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. This does not include billboards

2. Standards

   a. Generally

      Table 4.9.8-2~~Table 4.9.8-2~~ establishes the standards for Pole Signs.

Table 4.9.8-2: 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~~--~~	--	1
Dimensions							
Sign Height (max.)	~~15~~ 35 ft	--	--	35 ft	35 ft~~--~~	--	35 ft
Sign Area (max.)	~~50~~ 300 sf	--	--	~~200~~ 300 sf	300 sf~~--~~	--	~~200~~ 300 sf
Setbacks							
From Front Property Line	10 ft	--	--	10 ft	10 ft~~--~~	--	10 ft
From Adjacent Property Line	10 ft	--	--	10 ft	10 ft~~--~~	--	10 ft
From Another Detached Sign	~~50~~ 100 ft	--	--	100 ft	100 ft~~--~~	--	100 ft
Features							
Electronic Message Center	✕	--	--	✓	✓~~--~~	--	✓
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 sigh visibility triangle then an eight (8) ft. clearance from ground to sign shall be required						

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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 4.9.8-2~~Table 4.9.8-2~~ 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)~~(i) 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.

~~(iv)~~(v) One freestanding sign per premises; provided that an additional sign shall be permitted for each 150 feet of frontage for a premises, not to exceed three square feet in sign area for each linear foot of primary street frontage up to a maximum of 300 square feet. Such signs shall not exceed a height of 35 feet, except where such signs are within 600 feet of Expressway 83, they may have a maximum of 80 feet.

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 4.9.5-1: Sign Vertical Clearance~~Figure 4.9.5-1: 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 4.9.7~~Section 4.9.7~~ and the allowances established in Table 4.9.8-2~~Table 4.9.8-2~~.

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C. Subdivision Entry Signs

Figure 4.9.8-3: 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 4.9.8-3~~Table 4.9.8-3~~ establishes the standards for Subdivision Entry Signs.

Table 4.9.8-3: Subdivision Entry Sign Standards

Subdivision Entry 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 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	✓	✓	✓	--	--	--	--
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 may not be located on any utility easement and 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 4.9.11.~~Section 4.9.9. 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 4.9.9-1: 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 4.9.9-1~~Table 4.9.9-1~~ establishes the standards for Wall Signs.

Table 4.9.9-1: 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	✓	✓	~~✓~~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~~U	~~75 sf~~U	~~75 sf~~U	~~100 sf~~U
Features							
Electronic Message Center	✕	✕	✕	✕	✕	✕	✕
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 | U = unlimited						

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~~ twelve (~~18~~12) 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 4.9.9-2: 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 4.9.9-2~~Table 4.9.9-2~~ establishes the standards for Attached Awning/Canopy Signs.

Table 4.9.9-2: Attached Awning/Canopy Sign Standards

Attached Awning/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
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~~U	~~50 sf~~U	~~50 sf~~U	~~75 sf~~U
Features							
Electronic Message Center	✕	✕	✕	✕	✕	✕	✕
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 | U = unlimited						

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 4.9.9-3: Grounded Canopy Sign Examples

1. Definition

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

2. Standards

   a. Generally

      Table 4.9.9-3~~Table 4.9.9-3~~ establishes the standards for Grounded Canopy Signs.

Table 4.9.9-3: Grounded Canopy Sign Standards

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
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~~U	~~100 sf~~U	--	~~200 sf~~U
Features							
Electronic Message Center	✕	--	--	✓	✓	--	✓
Changeable Copy	NR	--	--	✓	✓	--	✓
Internal Illumination	NR	--	--	✓	✓	--	✓
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 | U = unlimited						

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 4.9.9-4: 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 4.9.9-4~~Table 4.9.9-4~~ establishes the standards for Hanging Signs.

Table 4.9.9-4: Hanging Sign Standards

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
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							
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 4.9.9-5: Marquee Sign Examples

1. Definition

   A permanent attached sign affixed to a marquee.

2. Standards

   a. Generally

      Table 4.9.9-5~~Table 4.9.9-5~~ establishes the standards for Marquee Signs.

Table 4.9.9-5: Marquee Sign Standards

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
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							
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 4.9.9-6: 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 4.9.9-6~~Table 4.9.9-6~~ establishes the standards for Projecting Signs.

Table 4.9.9-6: Projecting Sign Standards

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
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	--	--	--	--	✓	✓	--
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 4.9.9-7: 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 4.9.9-7~~Table 4.9.9-7~~ establishes the standards for Skyline Signs.

Table 4.9.9-7: 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	--	--	--	✓	✓	✓	--
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 4.9.9-8: 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 4.9.9-8~~Table 4.9.9-8~~ establishes the standards for Window Signs.

Table 4.9.9-8: 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							
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 4.9.12.~~Section 4.9.10. 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 4.9.10-1: 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 4.9.10-1~~Table 4.9.10-1~~ establishes the standards for General Incidental Signs.

Table 4.9.10-1: General Incidental Sign Standards

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
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
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 4.9.10-1~~Table 4.9.10-1~~.

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 4.9.10-2: 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 4.9.10-2~~Table 4.9.10-2~~ establishes the standards for Speaker Boards.

Table 4.9.10-2: 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							
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 4.9.10-3: 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 4.9.10-3~~Table 4.9.10-3~~ establishes the standards for Walk-Up Boards.

Table 4.9.10-3: 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							
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 4.9.13.~~Section 4.9.11. 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

Figure 4.9.11-1: General Temporary Sign Example

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 4.9.11-1~~Table 4.9.11-1~~ establishes the standards for General Temporary Signs.

Table 4.9.11-1: General Temporary Sign Standards

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
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							
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 or anchord 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 4.9.11-2: 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 4.9.11-2~~Table 4.9.11-2~~ establishes the standards for Sidewalk Signs.

Table 4.9.11-2: 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 4.9.11-3: 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 4.9.11-3~~Table 4.9.11-3~~ establishes the standards for Attached Banners.

Table 4.9.11-3: 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							
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 4.9.11~~Section 4.9.11~~.

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 4.9.11-4: 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.~~

D. Exempt Political Signs

1. Exempt political sign means a sign that contains primarily a political message, including a political issue or a political candidate sign, that is located on private real property with the consent of the real property owner, but not on real property subject to an easement or other encumbrance that allows the City of McAllen to use the property for a public purpose, and that

   a. does not have an effective area greater than 36 square feet,

   b. is not more than eight feet high,

   c. is not illuminated, and

   d. does not have any moving elements.

2. All political advertising signs, as such term is defined in the Texas Election Code, must comply with all provisions of Chapter 259 of such code, as may be amended from time to time.

3. No more than two political advertising signs per candidate or proposition may be placed in the areas designated for placement of such signs near polling place entrances, such signs may only be placed during the voting period for the election, and each sign may not exceed nine (9) square feet in size.

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Table 4.9.11-4: ~~Detached Banner~~Exempt Political Signs 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~~ 8 ft	~~4~~ 8 ft	~~4~~ 8 ft	~~6~~ 8 ft	~~6~~ 8 ft	~~6~~ 8 ft	~~6~~ 8 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	✕	✕	✕	✕	✕	✕	✕
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.~~a. Duration

As stated in Texas Election Code Chapter 259 as shall be amended from time to time.~~All detached banners shall meet the requirements established in Section 4.10.13~~.

~~c.~~b. Design and Installation

All signs and associated materials must be removed promptly after election concludes but not more than ten (10) days after.~~All detached banners shall meet the requirements established in Section 4.10.13~~

Section 4.9.14.Special Signs

Special signs are classified into one sign type – murals. Their associated regulations are established in this Section.

A. Murals

Figure 4.9.12-1: 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 4.9.12-1: Mural Standards

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
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	✗	✗	✗	✗	✗	✗	✗
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.

Section 4.9.12. Billboards

1. Definition

Billboard is a structure erected to display an off-premises message (i.e., an off-premises sign).

2. Standards

a. New billboards

New billboards are only permitted along U.S. Expressway 83/Interstate 2 and must comply with TxDOT requirements (see Texas Transportation Code) and must comply with spacing requirement for pole signs as addressed in **Section 4.9.8.**

b. Existing non-conforming billboards

Where a lawful billboard exists at the effective date of adoption of the ordinance from which this chapter was derived, it may be continued subject to the following provisions:

(i) No such non-conforming billboard may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(ii) Should such non-conforming billboard be blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations to an extent of more than 60 percent of the cost of erecting a new sign of the same type at the time of destruction and at the same location, it shall not be reconstructed except in conformity with the provisions of this chapter.

(iii) Should such sign be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved. All relocations will require a permit and a relocation agreement approved by the City.

(iv) The replacement of facewhere the original frame is used and the frame size is not altered and the substructure is not altered or moved is permitted for legal nonconforming billboards.

(v) Non-conforming billboards shall be properly maintained so that such signs do not constitute a danger to the public health and welfare.

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Article 4.10. Infill Development Standards

Section 4.10.1. 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 4.10.2. Applicability

This Division applies to all development and redevelopment within McAllen's corporate limits unless otherwise specified.

Section 4.10.3. 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 4.10.3-1: Infill Development Setback Range~~Figure 4.10.3-1: 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 4.10.3-1: Infill Development Setback Range~~Figure 4.10.3-1: Infill Development Setback Range~~).
3. All other setbacks shall meet the zoning district's dimensional standards unless specified otherwise.

Figure 4.10.3-1: Infill Development Setback Range

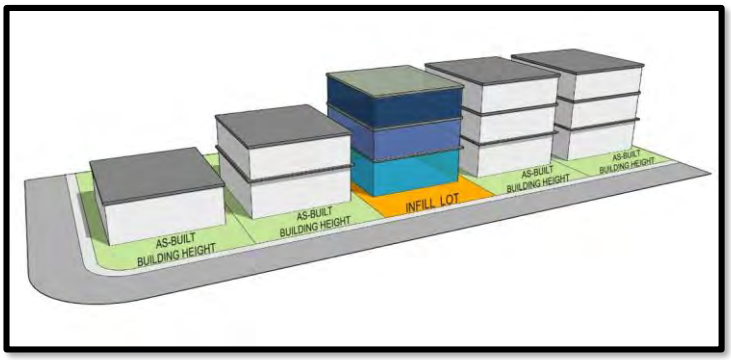
C. Form Requirements

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 4.10.3-2~~Figure 4.10.3-2~~).
2. The building height for infill development may be placed anywhere between the shortest and tallest building height on the block face (see Figure 4.10.3-2~~Figure 4.10.3-2~~).

Figure 4.10.3-2: Building Height for Infill Development



Section 4.10.4. 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 Planning Director. Setback reduction may not violate any existing easements.

B. The Planning 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 4.11. Performance Standards

Section 4.11.1. 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 4.11.2. 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 4.11.3. 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 4.11.4. 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 and the Texas Commission on Environmental Quality (TCEQ).

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. Any lot, parcel or tract that was described by metes and bounds in the records of Hidalgo County before October 15, 1973 and that the chain of title shows no description modification for conveyances after 1973, do not have to file a subdivision plat, provided the City Engineer and the Director of Planning both approve a site plan of the lot as not creating any significant health or safety concerns.

~~A.~~B. 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.~~C. 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 Standard Design Guide (*SDG*), which is maintained separately from the UDC.

~~C.~~D. 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~~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 Planning Director shall not approve a final plat or other plat type that creates ~~two~~ one (1~~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~~Section 5.1.3~~.FF.
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 Utility Engineer ~~Director~~ receives the required

documentation for the water facility that shall be used for the subdivision as required in Section 5.1.3~~Section 5.1.3~~.FF.

~~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.

b. The service agreement must provide that the Retail Public Utility has or shall have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years.

c. The service agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

d. Service agreements are administered by the Retail Public Utility provider.

G. Minimum Standards for Wastewater Facilities

1. The ~~Director~~ Utility Engineer 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 wastewater facility permitted in Section 5.1.3~~Section 5.1.3~~.HH.

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 Utility Engineer ~~Director~~ receives the required documentation for the wastewater facility that shall be used for the subdivision as required in Section 5.1.3~~Section 5.1.3~~.HH.

3. The Utility Engineer ~~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 or having~~ received approval of an on-site sewage facility permit from the Hidalgo Health Official and McAllen Public Utility Board~~:~~"

H. Acceptable Forms of Wastewater Facilities

1. Public Wastewater Facility

a. Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the Retail Public Utility provider.

b. The agreement must provide that the retail public utility has or shall have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years.

c. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

d. Service agreements are administered by the Retail Public Utility provider.

2. On-Site Sewage Facility

a. On-site sewage facilities that serve single-family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285, and any Hidalgo County on-site septic system facility standards.

b. Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317 and any Hidalgo County on-site septic system facility standards.

c. The Hidalgo County Health Official shall review proposals for on-site sewage facilities and make inspections of such systems as necessary to assure that the system is in compliance with the Texas 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 and McAllen Public Utilities before final plat or other plat type is recorded with the County Clerk.

~~e.~~f. Septic tank (on-site sewage) is not allowed within the City limits. It needs McAllen Public Utilities approval for cases extension of sewer infrastructure is not feasible.

I. Minimum Standards for Greywater Systems for Reuse of Treated Wastewater.

1. The ~~Director~~ Planning and Zoning Commission 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~~Section 5.1.3~~.EE and Section 5.1.3~~Section 5.1.3~~.GG 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 record a plat consisting of one or more ~~divide the~~ tract~~s 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~~Section 5.2.1.AA~~ 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 2~~, Chapter 3~~Chapter 3~~, and Chapter 4~~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~~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 Chapter 74 Article I of McAllen Code of Ordinances ~~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 Planning Director may require a phasing plan indicating the anticipated sequencing of final plats.
4. The Planning Director is authorized to approve changes to the phasing plan in consultation with the ~~City Engineer~~Development Team 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~~ request 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~~ request 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~~ approval of the ~~petition~~request, and concurrent with the filing of any application for development, the applicant must furnish to the City a ~~certified~~ letter of approval from the PUA stating the minimum standards have been met.

Section 5.2.4. Platting Exemptions

A. Generally

1. The Planning Director may exempt a property from platting through approval of a ~~determination~~ certificate of compliance if it complies with the platting exemptions in Section 5.2.4~~Section 5.2.4~~BB.

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 5.2.4~~Section 5.2.4~~BB.

B. Exemptions

A property is exempted form platting if it complies with one of the following exemptions. Granting exemption is subject to review of Development Team and approval.

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 of Compliance Requirements

a. The application for a ~~determination~~ certificate of compliance 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~~The most recent warranty deed of the property; ~~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~~Article 6.3~~.

Table 5.2.5-1: Plat Type Summary

Plat Type Summary			
UDC Section	Plat Type	Use	Notes
Section 6.3.1~~Section 6.3.1~~	Preliminary Plat	Required before a Final Plat where infrastructure is required	
Section 6.3.2~~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~~Section 6.3.3~~	Minor Plat	Final plats that already have the necessary infrastructure in place	
Section 6.3.4~~Section 6.3.4~~	Amending Plat	Minor revisions to a recorded Plat	
Section 6.3.5~~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 6.3.6~~Section 6.3.6~~	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~~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 and Utility 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, water, wastewater, reclaimed water, or parks systems.

E. For relief to the requirements of this Article, see Section 1.1.1~~Section 1.1.1~~.

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~~Standard Design Guide;

F. Texas Water Code

~~F.~~G. Access Management Policy; and

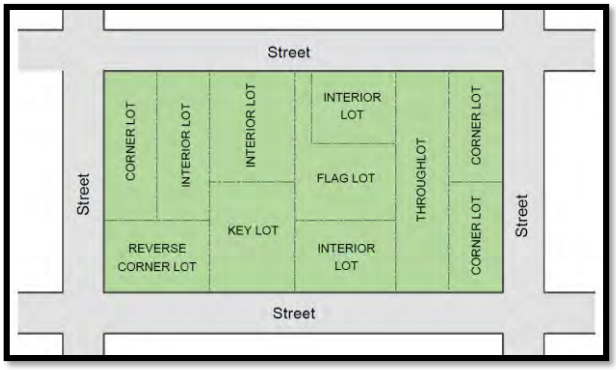
~~G.~~H. All other adopted codes and ordinances of the City.

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~~Chapter 2~~ of this UDC.
2. Figure 5.3.5-1: Lot Types~~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~~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~~Article 4.6~~ and Article 4.7~~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

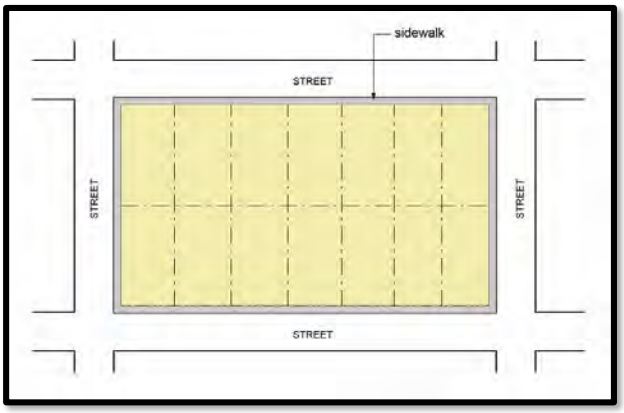
1. Through lots and reverse corner lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
2. A double frontage lot shall be permitted one driveway along a local or collector street. A driveway along an arterial street is prohibited.
3. ~~—~~Where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only. ~~Through lots require front setbacks on both frontages established in accordance with the underlying dimensions established in Chapter 2~~

~~4.~~3. Proposed through lots meeting the criteria of this Section 5.3.5~~Section 5.3.5~~.~~EE~~ may be approved by waiver pursuant to Section 6.4.4~~Section 6.4.4~~.

~~5.~~4. Sidewalks are required along each street frontage (refer to Figure 5.3.5-2~~Figure 5.3.5-2~~).

~~6.~~5. Flag Lots are prohibited.

Figure 5.3.5-2: Mandatory Sidewalk Installation Along All Street Frontages



F. Double Frontage Lots

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only~~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 and McAllen Public Utilities 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~~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~~the City Engineer, and a Letter of Map Revision been received from FEMA.

I. Lots Under Common Ownership

1. The ~~Director~~ Planning and Zoning Commission 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~~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~~Section 5.3.7~~, and Texas Property Code Chapter 82.

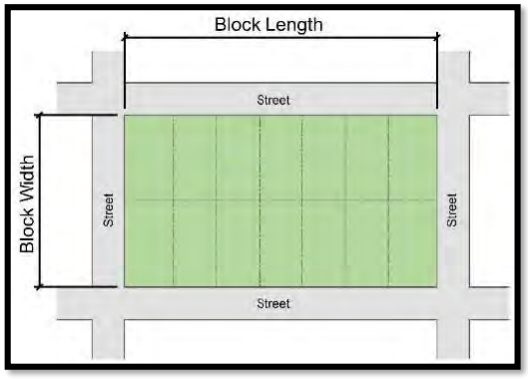
Section 5.3.6. Blocks

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~~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~~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 Planning Director in conjunction with the Traffic Director can propose safety measures such as traffic circles to allow the variance to the length. ~~,~~ ~~t~~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

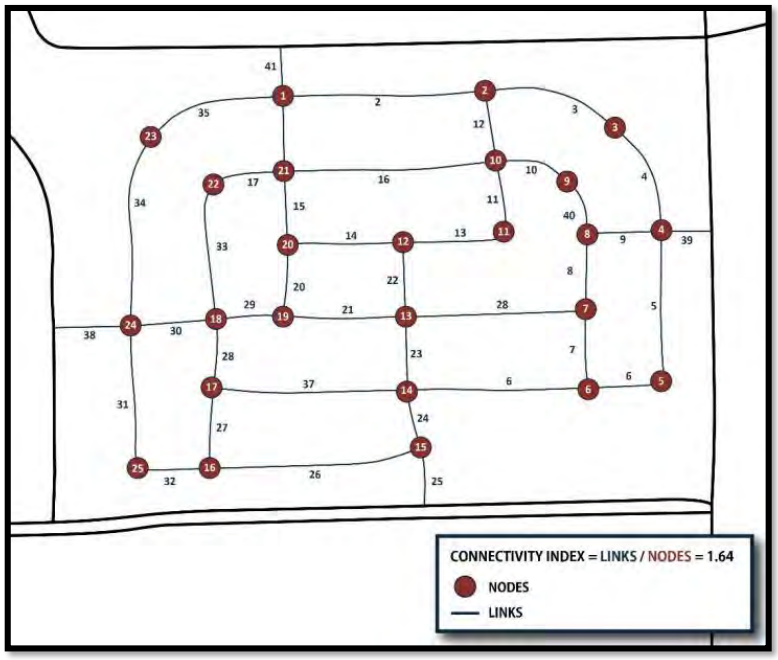
1. The connectivity index of a development indicates the level of connectedness within a subdivision. Higher numbers result in more accessible and walkable neighborhoods; lower numbers result in fewer connections and more dead-end streets.

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~~).

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 Planning 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; and
4. Require sidewalks with new development and redevelopment of infill sites where sidewalks do not currently exist.

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~~Section 5.3.8~~.D~~D~~.
12. The property owner shall assume the responsibility of installation~~, maintenance, and repair~~ of the required sidewalks along the frontage(s) ~~upon~~ prior to 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. Sidewalks for Multi-Lot Subdivisions

In addition to the provisions in Section 5.3.8~~Section 5.3.8~~.B~~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 5.3.8-1~~Figure 5.3.8-1~~).
2. Sidewalks shall be constructed along the perimeter streets of the subdivision (refer to Figure 5.3.8-1~~Figure 5.3.8-1~~).
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 5.3.8-1~~Figure 5.3.8-1~~).

Figure 5.3.8-1: Sidewalk Installation for Multi-Lot Subdivisions

D. 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. 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~~Section 5.3.8~~.BB; 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. A sidewalk shall be constructed and fully installed to the City's specifications before a certificate of occupancy is issued by the Building Official.

E. Sidewalk Compliance During the Platting Process

~~All subdivision applications shall include a sidewalk plan with the initial submittal of a plat application.~~A plat note for sidewalk requirement will be required according to the Standard Desing Guide.

~~1. 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.~~

~~2. A sidewalk plan submitted with a building permit application, as expressed in Section 5.3.8.D, 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.~~

F. 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~~City 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.

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 5.3.9~~Section 5.3.9C~~C.
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 or Traffic Director.

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~~Section 5.3.9~~.E~~F~~ 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 5.3.9~~Section 5.3.9~~C~~C~~.

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~~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 SummaryContext Summary~~	
~~Context~~	~~Zoning District~~
~~Urban~~	~~M-1~~
	~~M-2~~
	~~C-C~~
~~Suburban~~	~~R-1~~
	~~R-2~~
	~~R-3~~
	~~C-1~~
	~~C-2~~
	~~I-1~~
	~~I-2~~
~~Rural~~	~~A-O~~

~~3.~~2. Street Types ~~by Context~~

Streets shall meet the requirements ~~in their given context~~ as established in Table 5.3.9-1~~Table 5.3.9-1~~.

~~Contex~~

Table 5.3.9-1: ~~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’~~65’	4	12’	R (14’)	60’	N	R	~~R~~
Principal Arterial	~~100’~~120’	~~44’~~65’	4	11’	R (14’)	40’	~~O~~N	R	~~R~~
Minor Arterial	~~80’~~100’	44’	4	11’	O (14’)	30’	~~R~~O	R	~~R~~
Half Mile Collector	~~60’~~80’	40~~22~~’	2	11’	~~R~~ O (14’)	24’	~~R~~O	R	~~R~~
Quarter Mile Collector	60’	40’	2	11’	O (10’)	12’	O	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)~~	50~~28~~’	32~~20~~’	2	10’	N	12’	~~R~~O	R	R
~~Local (Nonresidential)~~	~~32’~~	~~22’~~	~~2~~	~~11’~~	~~O (10’)~~	~~12’~~	~~R~~	~~R~~	~~R~~
Key	N = Not Allowed | R = Required | O = Optional								
Note	Must comply with Fire Department maneuvering requirement.								

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Suburban Context.

Table 5.3.9-3: Suburban Context StreetsStreet 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								

a. Rural Context.

Table 5.3.9-4: Rural Context StreetsStreet 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

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Table 5.3.9-4. Rural Context StreetsStreet 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 (Residential)	32'	22'	2	11'	N	10'	R	R	R
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 5.3.9-1Table 5.3.9-1 and, , 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.DSection 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 eight hundred (8900) feet or in alignment with abutting subdivision streets along each boundary of the subdivision.
   b. The stub-out shall require a paved temporary turnaround at the terminus of the stub-out of a minimum of eight one hundred (10080) 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.9Section 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~~ninety-six (~~100~~96) feet and a minimum street right-of-way diameter of at least one hundred ~~twenty~~ sixteen (~~120~~116) feet. For industrial uses a minimum outside paving diameter of at least one hundred eighty (180) feet and a minimum street right-of-way diameter of at least two hundred (200) feet shall be required.
~~5.~~ Dead-end streets or alleys shall be prohibited except as short stubs to permit future expansion, if applicable.

H. Secondary Ingress and Egress

1. ~~All m~~Multi-family residential and nonresidential development ~~shall~~ may require ~~provide at least one~~a secondary form of ingress and egress to a public street to meet current fire code standards.
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 current fire code standards.~~Table 5.3.9-5When 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 or Traffic Director may require additional access points if the configuration, number of lots, or other consideration creates the need for additional access.
7. The City Engineer or Traffic Director 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 and shall be named according to the naming structure as approved by the City of McAllen.
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~~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 or Traffic Director, it is detrimental to the public health, safety, and welfare of the community.

C. Common Access

Common access requirements shall abide by the guidelines of the Access Management Policy.

D. Driveway Design for State Maintained Roadways and 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), street offsets, and deceleration lanes for driveways on streets required (non-State maintained roadways), as established in the Access Management Policy and in the *SDG*.
2. ~~State Maintained Roadways shall require separate spacing but shall at least conform to the standards outlined in the Access Management Policy.~~ . Developments shall meet the standards and specifications regulating the design and construction of driveways including but not limited to driveway dimensions and spacing and deceleration lanes for driveways on streets required, as established in the TxDOT access management policy and the TxDOT Roadway Design Manual.

E. Required Internal Storage (Minimum Throat Length/Stacking)

1. Minimum Throat Length will be determined at time of Site Plan review by the Traffic Operations Department.

2. The driveway for any multi-family, commercial or nonresidential property that connects to an arterial street, collector street or local street shall conform to the standards outlined in the Access Management Policy. ~~Driveway Stacking~~

3. Driveway Stacking shall abide by the guidelines outlined in the Access Management Policy.

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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~~Section 4.2.9~~) and shall adhere to the standards of the ~~Access Management Policy~~ AASHTO Geometric Design of Highway and Streets.

H. Trip Generation

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1. ~~Trip Generation Worksheet~~ The trip generation worksheet is a worksheet required of new subdivisions and site plan submittals, for the purposes of determining Traffic Impact Analysis applicability and scope, based on:

a. Change of use (redevelopment); and

b. Development along major thoroughfares.

2. The trip generation worksheet shall be prepared following the Traffic Impact Analysis Policy standards.

~~H.~~I. Traffic Impact Analysis (TIA)

A traffic impact analysis (TIA) shall be prepared in accordance with the standards of the Traffic Impact Analysis Policy.

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, reclaimed water, 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~~ ten (10~~5~~) feet wide or as required by the ~~u~~Utility Engineer, 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~~City or McAllen Public Utility.
4. Easements at least ~~sixteen~~ fifteen (15~~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~~or McAllen Public Utility~~.~~
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~~ six (25~~2~~6) 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~~ six (25~~2~~6) 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~~Section 5.3.9.

E. Sight Visibility Zone Easements

See ~~Chapter 94, Article IV.~~Standard Design Guide (SDG)

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. Proper separation from the utility lines will be required.

      (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.

l. 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.l.7~~Section 5.3.11.l.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.~~J. 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~~McAllen Public Utilities 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 McAllen Public Utilities ~~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~~an access length 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 an access length ~~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.
5. Fire hydrants should be placed between lots to prevent conflicts with driveways.
~~4.~~6. Fire hydrants must be installed according to Standard Design Guide, including but not limited to a three (3) foot clear space shall be maintained around the circumference of the fire hydrant.

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~~McAllen Public Utilities 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 McAllen Public Utilities ~~City Engineer~~ may require the phasing of development to maintain adequate wastewater capacity.
6. The public wastewater provider in coordination with the McAllen Public Utilities ~~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~~ six hundred and sixty (660~~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.~~2. Any on-site sewage facility (OSSF) ~~that is permitted~~must be approved by McAllen Public Utility Board and shall be constructed in accordance with the Texas Administrative Code (Title 30, Part 1, Chapter 285), On-Site Sewage Facilities.

~~4.~~3. 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, after McAllen Public Utilities approval.~~.~~

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 and McAllen Public Utility Board may approve a subdivision waiver (see Section 6.4.4~~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~~Section 5.3.12~~ and Section 5.3.13~~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~~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 and in accordance with the Standard Design Guide.

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~~McAllen Public Utilities.

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~~ McAllen Public Utilities 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~~Chapter 5~~), zoning (Chapter 2~~Chapter 2~~), and pertinent development (Chapter 4~~Chapter 4~~) standards.
2. A private street development shall be subject to impact fees as applicable, 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~~ SDG 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 comply with Standard Design Guide. It shall also provide stacking spaces dimensions at the location of the keypad to the Right-of-Way line as per the Standard Design Guide. Vehicles waiting to enter the private street development cannot stack on the public Right-of-Way. ~~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.~~5. 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.~~6. 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.~~7. 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.~~8. 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.~~9. 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.~~10. 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.~~11. 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~~Section 5.3.15~~.~~FF~~ 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~~one hundred percent (~~75~~100%) 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 Planning 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, and local roads require LED streetlights with a spacing ~~of one hundred fifty (150) feet~~according to Standard Design Guide.

~~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~~unit.
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.~~b. Where electrical service is to be placed underground, street or site facilities shall also be placed underground.

~~d.~~c. 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.~~d. 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 SDG. ~~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.

Article 5.4. Construction of Public Improvements

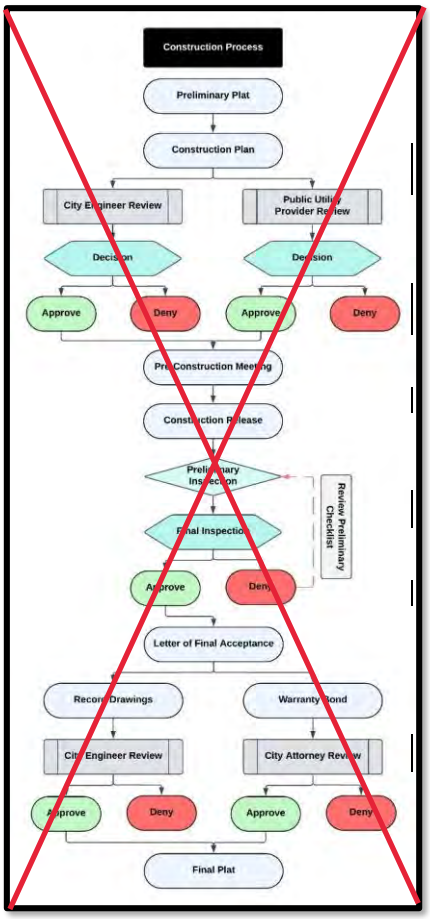
Section 5.4.1. Minimum Standards

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 preliminary and final plat approval, approval of the construction plans, attended a Pre-Construction Meeting (refer to Section 5.4.4~~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~~Section 5.4.5~~).

2. Public improvements shall be constructed and inspected (refer to Section 5.4.6~~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 5.4.7~~Section 5.4.7~~).

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~~as-built ~~(refer to Section 5.4.6.E)~~ and a warranty ~~bond~~ letter ~~(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

Figure 5.4.2-1: Construction Process Flowchart

2. ~~The City Attorney has reviewed and approved the Warranty Bond~~Submit required payments.

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/Utility 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~~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 5.4.2-1~~Figure 5.4.2-1~~.

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

o. Pavement Marking Plan

p. Fire Hydrant Plan

~~n.~~q. Other information as needed

2. The ~~City Engineer~~Development Team 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.

G. Easements

All easements shall be provided and meet the requirements as established in Section 5.3.11~~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.~~A. Meeting Procedures

1. The applicant shall attend a pre-construction meeting with the ~~City Engineer~~City staff 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~~staff, requesting a meeting time, and notifying all participants of the meeting.
4. After receiving a meeting request from the applicant, the City ~~Engineer~~ staff shall promptly schedule a pre-construction meeting.

~~C.~~B. Effect

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Following the pre-construction meeting and full compliance with all pre-construction requirements, the City ~~Engineer~~ staff shall release the project for construction and issue a Notice to Proceed (NTP).

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/Utility 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 5.4.3~~).

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/Utility Engineer.

B. Preliminary Inspection Required

1. The applicant, upon completion of drainage, roads, streets, water, reclaimed water, waste water 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/Utility Engineer.
2. After preliminary inspection, the City Engineer/Utility 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/Utility 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/Utility 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/Utility 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/Utility 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~~Section 5.4.6.EE~~) and a warranty ~~bond~~ letter ~~(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/Utility Engineer the ~~record~~ as-built drawings and received approval of the warranty ~~bond by the City Attorney~~letter.
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).~~letter.

E. ~~Record~~ As-Built Drawings

1. The purpose of the City requiring ~~record~~ as-built drawings is to have a record of how public improvements were constructed in the field.
2. The applicant must submit the as-built ~~record~~ drawing after receiving a letter of final acceptance by the City Engineer/Utility Engineer.
3. All sheets for the as-built ~~record~~ drawings shall show all changes made in the construction plans during construction, and on each sheet, there shall be a "as-built~~record~~" stamp bearing the signature of the engineer and date.
4. Digital files of all the as-built ~~record~~ drawings shall be submitted by the applicant in AutoCAD and Adobe PDF formats, as required by the City.

F. Inspection and Testing Fees

1. Inspection and testing fees shall be established by the City and set forth in the adopted fee schedule.
2. The applicant may be charged an additional inspection and testing 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.

G. Warranty Letter

1. Construction company shall be responsible for submitting as-built drawings, warranty letter, and any other information as required by the City Engineer/Utility Engineer.

~~2.~~

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~~**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.~~Section 5.4.7. 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 5.4.8~~Section 5.4.8~~;

~~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.~~3. 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/McAllen Public Utilities Participation in Public Facilities

1. If the City/McAllen Public Utilities 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/McAllen Public Utility Board

1. The City Engineer/Utility Engineer and City Attorney shall review all development agreements.
2. The City Engineer/Utility Engineer shall recommend an action to the City Commission/McAllen Public Utility Board for all development agreements.

~~Section 5.4.9.~~Section 5.4.8. 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/Utility Engineer and agreement with Section 5.4.8~~Section 5.4.8.C~~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/Utility 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/Utility 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 (100~~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/Utility 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~~.

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~~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	PDAM	Notice	Approval Authority							
				Administrative Bodies ↓				Quasi-Legislative Bodies ↓			
				~~D~~P	C	B	H	PZ	CC	HP	BA
Zoning and Development Procedures											
Section 6.2.1~~Section 6.2.1~~	Comprehensive Plan Amendment	×	✓	r				r	d		
Section 6.2.2~~Section 6.2.2~~	UDC Text Amendment	×	✓	r				r	d		
Section 6.2.3~~Section 6.2.3~~	Rezoning	✓	✓	r				r	d		
Section 6.2.4~~Section 6.2.4~~	Conditional Use Permit			r				r/d	d/a		
Section 6.2.5~~Section 6.2.5~~	Site Plan	×	×	d				~~a~~			a
Section 6.2.6~~Section 6.2.6~~	Sign Permit	×	×	d		d					
Section 6.2.7~~Section 6.2.7~~	Certificate of Appropriateness	×					d			d[1]	
Section 6.2.8~~Section 6.2.8~~	Building Permit	×	×			d					
Section 6.2.9~~Section 6.2.9~~	Certificate of Occupancy	×	×			d					
Subdivision Procedures											
Section 6.3.1~~Section 6.3.1~~	Preliminary Plat	×	✓	~~d~~r				d			
Section 6.3.2~~Section 6.3.2~~	Final Plat	×	×	~~d~~r				~~a~~d			

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Authority Table											
UDC Section	Application Type	PDAM	Notice	Approval Authority							
				Administrative Bodies ↓				Quasi-Legislative Bodies ↓			
				~~D~~P	C	B	H	PZ	CC	HP	BA
Section 6.3.3~~Section 6.3.3~~	Minor Plat	×	×	d				a			
Section 6.3.4~~Section 6.3.4~~	Amending Plat	×	×	~~d~~r				~~a~~d			
Section 6.3.5~~Section 6.3.5~~	Replat	×	✓	r				d			
~~Section 6.3.6~~	~~Conveyance Plat~~	~~×~~	~~×~~	~~d~~							
Section 6.3.6~~Section 6.3.6~~	Plat Vacation	×		r				~~r~~d	~~d~~		
See Article 5.4~~Article 5.4~~ for more specifics	Construction Plans	×	×		d						
	Development Agreement	✓	×		r				d		
Relief Procedures											
Section 6.4.1~~Section 6.4.1~~Section 6.4.1~~Section 6.4.1~~	Variances	×		r							d
Section 6.4.1~~Section 6.4.2~~	Special Exceptions	×		r							d
Section 6.4.3~~Section 6.4.3~~	Minor Modifications	×		d				a			
Section 6.4.4~~Section 6.4.4~~	Subdivision Waiver				r			~~d~~	d		
~~Section 6.4.5~~	~~Subdivision Proportionality~~				~~r~~			~~r~~	~~d~~		
Section 6.4.5~~Section 6.4.5~~	Economic Hardship Waiver						r			d	a
Section 6.4.6~~Section 6.4.6~~	Interpretation	×		d							a
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 | PDAM = Pre-~~Application~~ Development Meeting | ~~D~~P =										

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Authority Table										
UDC Section	Application Type	PDAM	Notice	Approval Authority						
				Administrative Bodies ↓				Quasi-Legislative Bodies ↓		
				~~DP~~	C	B	H	PZ	CC	HP	BA
	Planning Director | C = City/MPU ~~Engineer~~ | B = Building Official | H = Historic Preservation Officer | PZ = Planning & Zoning Commission | CC = City Commission | HP = Historic Preservation Council | BA = Zoning Board of Adjustment									

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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~~Development Team

The purpose of the Development Team~~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 Development Team~~Staff Review Committee~~ is composed of the following departments, members, or their representatives:
   a. The Planning Director
   b. The City Engineer
   ~~b.~~c. The Traffic Director
   ~~c.~~d. The Building Official
   ~~d.~~e. The Fire Marshal
   ~~e.~~f. The Public Works Director
   g. The ~~McAllen Public Utilities General Manager~~Utility Engineer
   ~~f.~~h. The Health Director, if applicable.
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~~ Development Coordinator at least seven (7) calendar days prior to the meeting.

E. Pre-~~Application~~ Development Meeting (PDAM)

1. The pre-~~application~~ development 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 Development Coordinator ~~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 Development Coordinator ~~Director~~ may provide a pre-application meeting checklist.

4. The applicant's and Development Coordinator~~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 Development Coordinator ~~Director~~ may review and complete an informational checklist, based on the scope of the application.

2. The Development Coordinator ~~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 B: Applications and Development Manual.~~ All applications shall be made on forms prepared by the Planning Director.

2. The City Commission may establish fees for all applications required in this UDC ~~by resolution~~.

B. Review for Completeness

1. The Planning Director shall not process incomplete applications.

2. An application is not complete until all required items are submitted (see Appendix B: Applications and Development Manual).

3. When applications are submitted, the Planning Director shall review them for completeness

4. The time period to process an application does not commence until the Planning 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 Planning Director shall determine whether the application is complete and shall transmit the determination to the applicant. If the Planning Director determines that the application is not complete, the Planning 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 Planning 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~~Article 6.3~~, the application is not considered submitted and is denied.

7. The Planning Director or the approving authority may provide submittal deadlines for materials required in support of any application~~, provided for in Appendix B: Applications and Development Manual.~~ 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~~Table 6.1.7-1~~, along with Table 6.1.7-2~~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 Planning Director shall publish in an official newspaper or a newspaper of general circulation in the City.
Mail	The Planning 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 Planning Director.
Sign	The City may place a sign indicating an upcoming public hearing with details on where you can get more information

4. Specific notice requirements are established in Table 6.1.7-2~~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

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
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 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

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
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)	All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. 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. The owners of the subject property, including necessary content and specifications under Texas Local Government Code Section 211.006
	Website	Any time before the initial hearing	Not applicable
Replat	Mail	If the replat requires a variance or exception: > 15 days **before** the Planning and Zoning Commission hearing	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. 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.
	Mail	If the replat does not require a variance or exception: < 15 days **after** the Planning and Zoning Commission hearing	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 Zoning Commission holds a public hearing and gives notice of the hearing in the manner above.
Variance ~~Variance~~	Publication	> 10 days before Zoning Board of Adjustment hearing	Not applicable
	Mail	> 10 days before Zoning Board of Adjustment hearing	Applicant, appellant, or other parties in interest located within 200 feet of the property to be considered

Application-Specific Noticing Requirements			
Application	Notice	When	Where/To Whom/Additional Requirements
			for variance according to the most recent county tax roll. 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 and any property located within 200 feet of the property to be considered for Economic Hardship Waiver according to the most recent county tax roll. May include regular mail or email
Certificate of Appropriateness	Mail	> 10 days before Historic Preservation Council hearing	Applicant and any property located within 200 feet of the property to be considered for Certificate of Appropriateness according to the most recent county tax roll.

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~~ three (~~4~~3) square feet shall be posted on the property for residential development applications requiring noticing. ~~and sign posting.~~ Notice sign must comply with Texas Local Government Code as may be amended from time to time.

~~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.~~2. This sign(s) shall, if possible, be located adjacent to streets.

~~4.~~3. This sign(s) shall be erected on or ~~before~~ about 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.~~4. 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~~ Development Coordinator 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~~Section 6.1.8~~.A~~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 Planning 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. Planning Director Request

The Planning Director may request to table any application for further review and consideration. In that case, the Planning 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 Planning Director at the earliest possible time. This allows the Planning 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 Planning 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 ¾ 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 Planning 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 Planning 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 Planning 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 Planning 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 Planning 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~~Planning 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 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 Planning 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

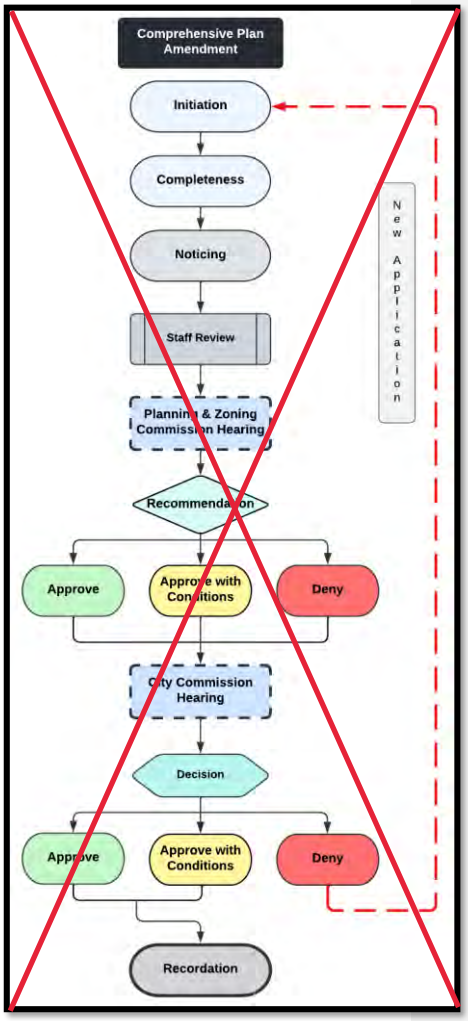
Not applicable.

D. Notice

1. Noticing shall comply with Section 6.1.7~~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~~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



~~Figure 6.2.1-1: Comprehensive Plan Amendment Flowchart~~

(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 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~~Section 6.2.1~~.EE.1~~1~~.a~~a~~, and the failure to specify a deadline has the effect specified in Section 6.2.1~~Section 6.2.1~~.EE.2~~2~~.c~~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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~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;

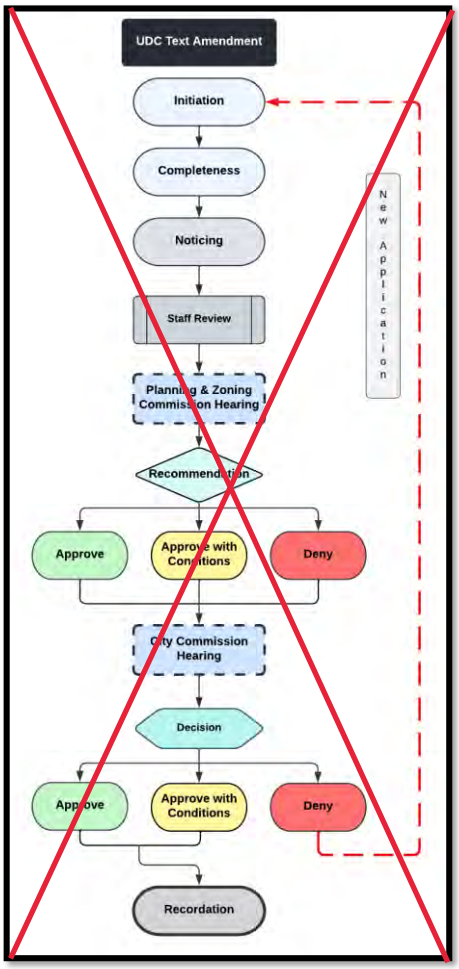


Figure 6.2.2.1: UDC Text Amendment Flowchart

b. To deny the text amendment; or

c. To approve the text amendment with revisions.

3. City Commission Decision

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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~Section 6.1.9~~.

E. Decision

1. Planning Director Review

The Planning 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.

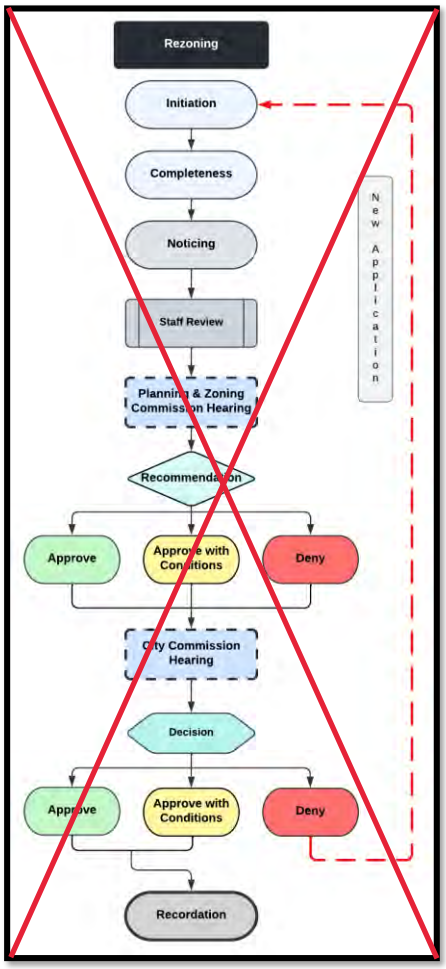
2. Planning and Zoning Commission Recommendation

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.



~~Figure 6.2.3.1: Rezoning Flowchart~~

3. City Commission Decision

   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 Planning 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~~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~~Section 6.1.6.BB~~.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~Section 6.1.9~~.

E. Decision

1. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § ~~231.109~~211.007, as applicable.

2. Planning Director Review

The Planning 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 Planning 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

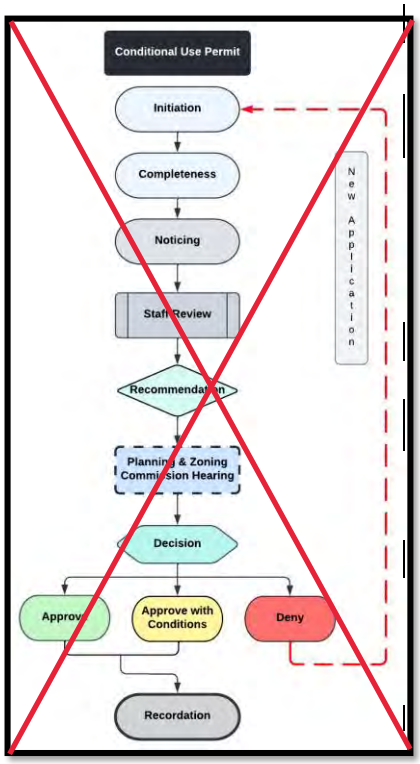


Figure 6.2.4.1: Conditional Use Permit Flowchart

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~~Chapter 2~~, any applicable use regulations of Chapter 3~~Chapter 3~~, and any applicable development standards of Chapter 4~~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

Any persons, jointly or severally, aggrieved by any decision of the planning and zoning commission, may present to the board of commissioners a petition, duly verified, setting forth that such decision is unjust, in whole or in part, and specifying the grounds of injustice. Such petition shall be presented to the board of

commissioners within ten days after the final decision of the planning and zoning commission, and not thereafter, for notification and calling of a public hearing to hear and act on the appeal. ~~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, revocations, and suspension

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 Planning 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 Planning Director shall issue written notification to the property owner. Ten (10) days after issuance of this notice, the Planning 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

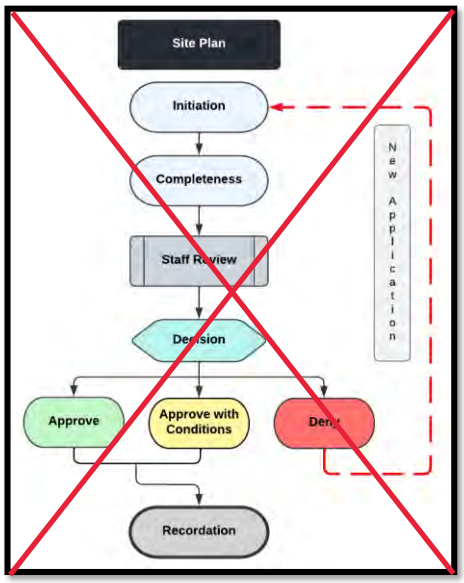
A. Applicability

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.



~~Figure 6.2.5-1: Site Plan Flowchart~~

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 Planning Director. In addition to the information required by Section 6.1.6~~Section 6.1.6~~, the Planning 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.~~Existing and proposed utility layout

C. Completeness

See Section 6.1.6~~Section 6.1.6~~.~~B~~B.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. ~~Director~~ Review and Decision

   The ~~Director~~ Development Team shall review the site plan and shall act to:

   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~~ Development Team 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~~ Development Team 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~~ Development Team'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~~ Development Team for further consideration.

l. Scope of Approval

1. Generally

   After the site plan is approved, the ~~Director~~ Building Official 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~~Section 6.2.5~~.~~l~~l.2~~2~~.b~~b~~, require amendment of the existing site plan. Amendment of an approved site plan may only be authorized by the Planning Director pursuant to the procedures established in Section 6.2.5~~Section 6.2.5~~.E~~E~~, and subject to appeal or referral to the Planning and Zoning Commission as provided in Section 6.2.5~~Section 6.2.5~~.H~~H~~.

   b. Insubstantial Changes to Approved Site Plan

      (i) The Planning 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 of 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~~ Building Official's inspection reveals noncompliance with this UDC, site plan revocation procedures shall commence as follows:

(i) The Building Official ~~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 Building Official ~~Director~~ shall issue written citation.

(iii) If the citation results in a guilty verdict, the site plan is considered revoked.

(iv) The Building Official ~~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, Building Official ~~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 Planning 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~~ Building Official and include a non-refundable permit fee.

C. Completeness

See Section 6.1.6~~Section 6.1.6~~.BB.

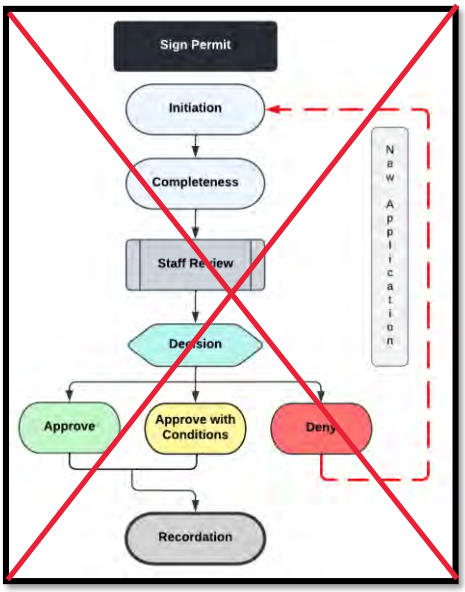
D. Notice and Hearing(s)

Not applicable.

E. Decision

The Building Official ~~Director~~ shall:

1. Approve the sign permit;
2. Deny the sign permit; or
3. Approve the sign permit with conditions.



~~Figure 6.2.6-1: Sign Permit Flowchart~~

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~~Section 6.1.15~~.

I. Scope of Approval

1. Generally

The Building Official ~~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

The Building Official ~~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 Building Official ~~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.

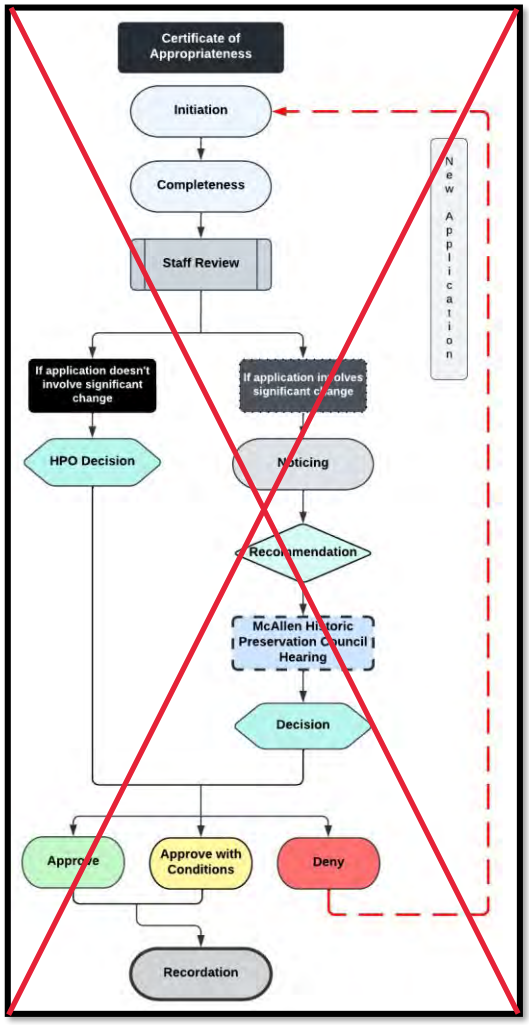


Figure 6.2.7.1: Certificate of Appropriateness Flowchart

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 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~~Section 6.1.6~~.B~~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~~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~~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, Planning 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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

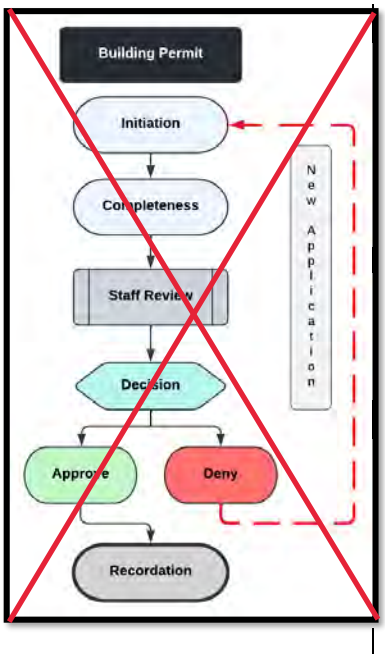
Not applicable.

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.



~~Figure 6.2.8-1: Building Permit Flowchart~~

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~~Section 6.2.8~~.FF, 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.

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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

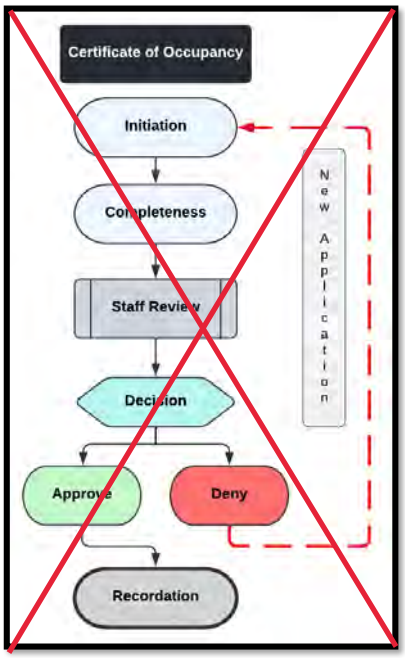
Not applicable.

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.



~~*Figure 6.2.9.1: Certificate of Occupancy Flowchart*~~

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~~Section 6.2.9~~.FF, 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.

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 Planning Director.

C. Completeness

See Section 6.1.6~~Section 6.1.6.BB~~.

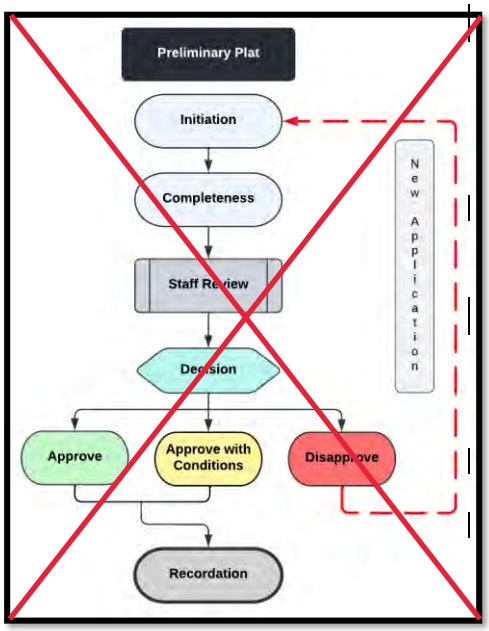
D. Notice and Hearing(s)

Not applicable.

E. Decision

1. ~~Director~~ Development Team Review

The Planning Director shall review the preliminary plat application, and send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.).



~~*Figure 6.3.1-1: Preliminary Plat Flowchart*~~

2. ~~Director~~ Decision

a. Generally

The ~~Director~~ Development Team 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 Development Team ~~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 Planning Director may require submission of a revised preliminary plat.

(iv) If the plat conforms to all standards, or after the applicant and ~~Director~~ Development Team agree upon any revision which shall be filed with the Planning 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

No person shall subdivide any tract of land except in conformity with this UDC. The ~~Director~~ Development Team 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~~Chapter 5~~ of this UDC.

G. Subsequent Applications

The Planning 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 Planning Director and shall state the specific requirement or condition of approval to be reconsidered and the reasons for reconsideration. The Planning 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~~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 Planning 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 Planning Director and the applicant shall maintain copies of the preliminary plat for purposes of inspection and final plat approval.

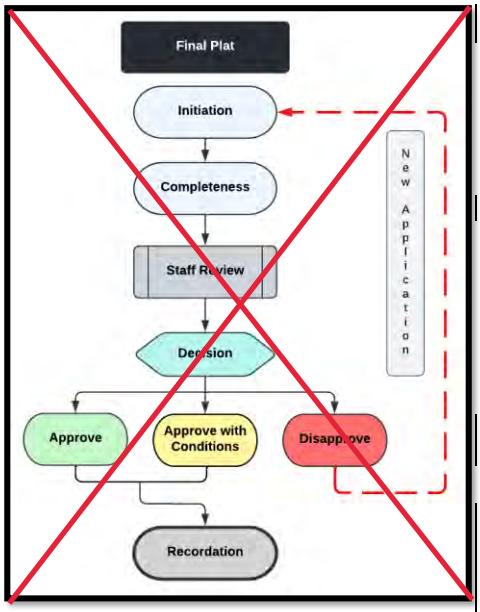
Section 6.3.2. Final Plat

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~~ request 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~~Director agrees to a time extension.
3. The plat must receive the Development Team approval prior to final plat approval.~~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.~~



~~*Figure 6.3.2-1: Final Plat Flowchart*~~

C. Completeness

~~See Section 6.1.6.B.~~Staff will review the request for completeness prior to the Planning and Zoning Commission review.

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~~Chapter 5~~ of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15~~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.~~1. The applicant must meet the requirements of Article 5.4~~Article 5.4~~ prior to ~~City Commission acceptance of any~~recording the 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.

c. When the final plat along with all plat notes, signature blocks, and details are reviewed and approved by the Development team.

d. When a recent title report of the property is provided showing sufficient evidence of legal title in and to the subject property along with sufficient evidence of a record of any lienholders holding security interest in the property. The Planning Director may accept other documents, in lieu of a title report, as deemed sufficient evidence.

~~b.~~e. When all owner(s), lienholder(s), project engineer, and surveyor sign the plat with the signature date. The owner's signature must be notarized and the engineer and surveyor's seals are required.

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~~Department with ~~three (3)~~ white background copies as needed ~~prints~~ and one (1) contact reproducible mylar of the recorded plat with final addresses as designated by the Planning Department.

~~c. The applicant shall also submit to the Planning and Zoning Commission a copy of the recorded plat.~~

~~d.~~c. The applicant shall pay all required County recording fees.

~~e.~~d. 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 Planning Director.

C. Completeness

See Section 6.1.6~~Section 6.1.6.BB~~.

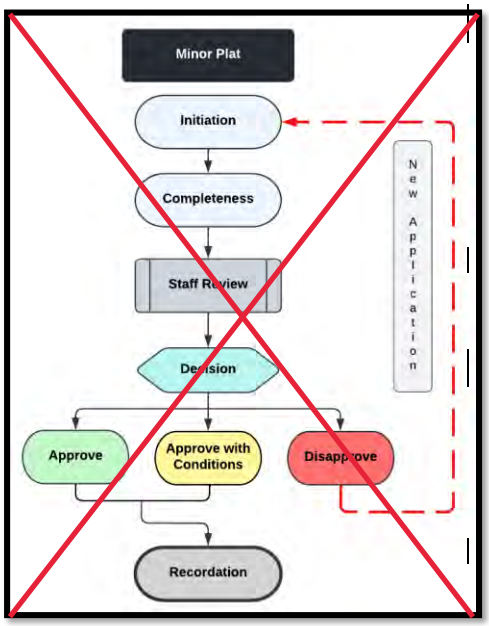
D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Generally

The Planning 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:



~~Figure 6.3.3.1: Minor Plat Flowchart~~

a. If the minor plat complies with all provisions of this UDC, the Planning 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 Planning 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;
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~~Chapter 5~~ of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15~~Section 6.1.15~~.

I. Scope of Approval

Minor plats are valid for ~~thirty~~ twelve (~~30~~12) months from the initial date of approval. The Planning 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~~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 Planning Director.

C. Completeness

See Section 6.1.6~~Section 6.1.6~~.~~BB~~.

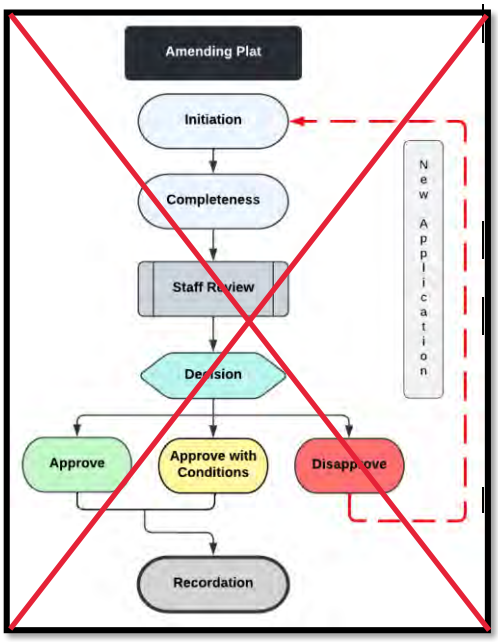
D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Generally

The Planning 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:



~~*Figure 6.3.4.1: Amending Plat Flowchart*~~

a. If the amending plat complies with all provisions of this UDC, the Planning 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 Planning 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;
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~~Chapter 5~~ of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Section 6.1.15~~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

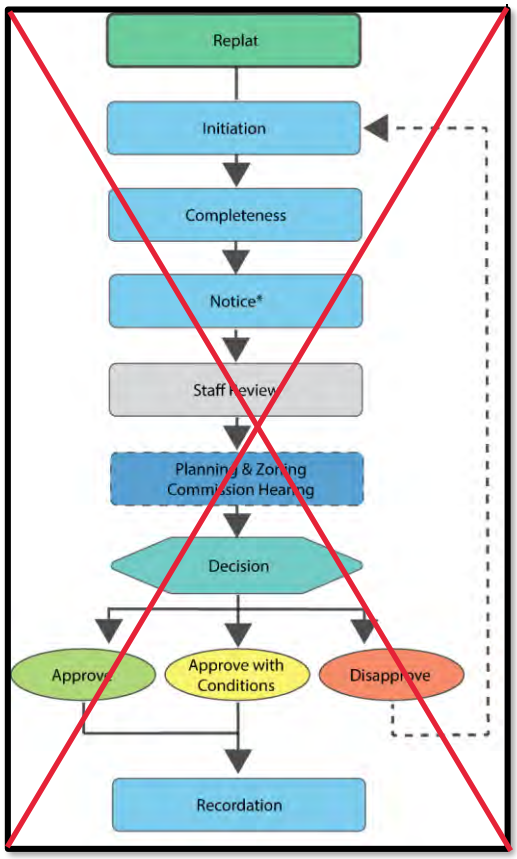
An amending plat is recorded in the same manner as a final plat (see Section 6.3.2~~Section 6.3.2~~.J~~I~~).

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~~Section 6.3.5~~.AA.22 applies, the applicant shall submit a replat application with the Planning Director.

C. Completeness

See Section 6.1.6~~Section 6.1.6~~.BB.

D. Notice

In addition to the noticing requirements in Section 6.1.7~~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~~ Development Team Review

The Planning Director shall review the replat application, send the application to other departments and entities for review (i.e., Engineering, Fire, ~~Health~~Utilities, Traffic, Public Works, 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 6.3.5~~Section 6.3.5AA33~~ 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~~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~~Section 6.3.2.JJ~~).

Section 6.3.6. Conveyance Plat

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 reminder 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.

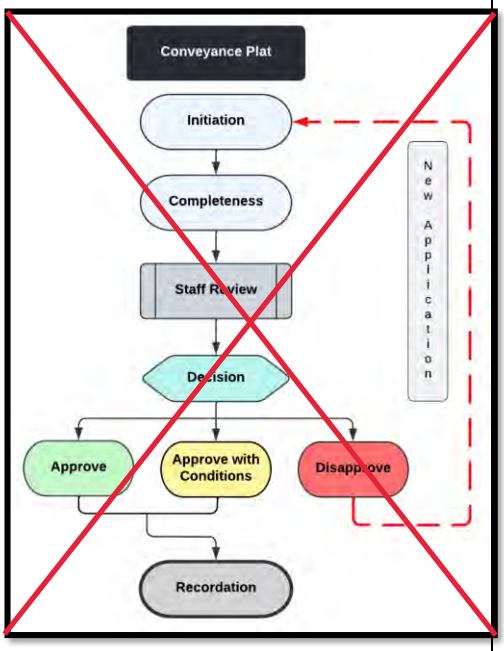


Figure 6.3.6-1: Conveyance Plat Flowchart

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

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.~~Section 6.3.6. 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.

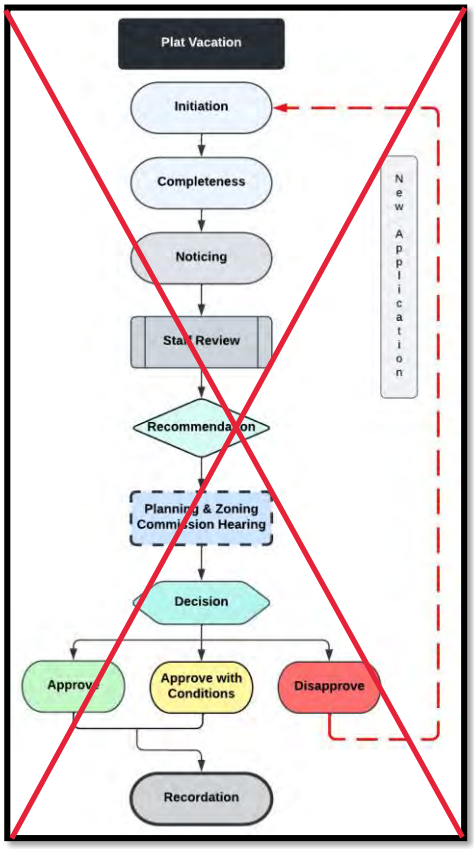
B. Initiation

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:



~~Figure 6.3.6.1: Plat Vacation Flowchart~~

   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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~Section 6.1.9~~.

E. Decision

1. ~~Director~~ Development Team Review

   The Planning Director shall review the plat vacation application, send the application to other departments and entities for review (i.e., Engineering, Fire, ~~Health~~Utilities, Public Works, Traffic, 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 6.3.6~~Section 6.3.6~~.BB;

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~~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 Planning Director.

C. Completeness

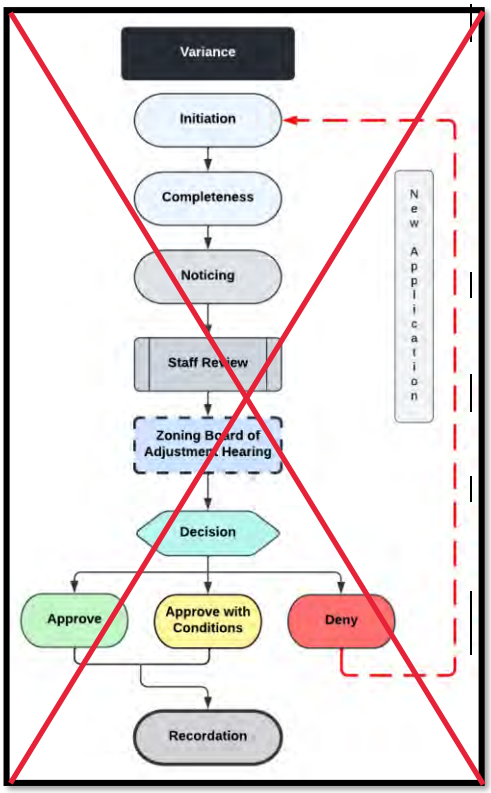
See Section 6.1.6~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~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; or
   b. Deny the variance.~~; or 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).



~~*Figure 6.4.1-1: Variance Flowchart*~~

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.

The Zoning Board of Adjustment shall not approve a variance unless it finds that:

~~4.~~a. The variance is not contrary to the public interest;

~~5.~~b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and

c. The spirit of the varied provision is observed and substantial justice is done.

~~6.~~

~~F.~~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.

~~G.~~H. Appeals

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A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

~~H.~~I. Scope of Approval

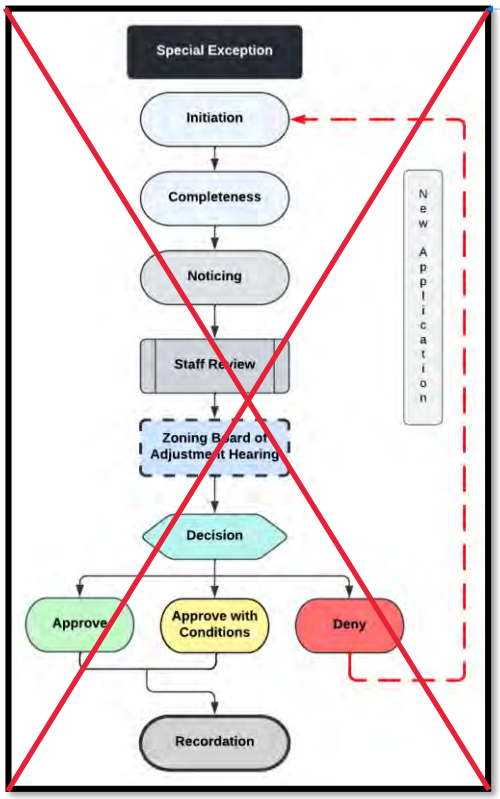
After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

~~I.~~J. Recordation

The Planning Director shall maintain a copy of any order of the Zoning Board of Adjustment pursuant to this Section.

Section 6.4.1. Scope

A. This Article shall be construed to authorize variances, hardship waivers, or Board of Adjustment review for subdivision regulations, sign regulations, development standards, or other police-power regulations unless expressly provided by law. Zoning variances and appeals are available solely for zoning regulations adopted under Texas Local Government Code Chapter 211.



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~~Section 6.1.6~~.BB.

~~*Figure 6.4.2.1: Special Exception Flowchart*~~

D. Notice and Hearing(s)

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1. Noticing shall comply with Section 6.1.7~~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~~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

The Zoning Board of Adjustment shall not approve a special exception unless it finds that:

a. The special exception is not contrary to the public interest; and

b. The spirit of the varied provision is observed and substantial justice is done.

~~F.~~

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~~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~~

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~~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 Planning 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

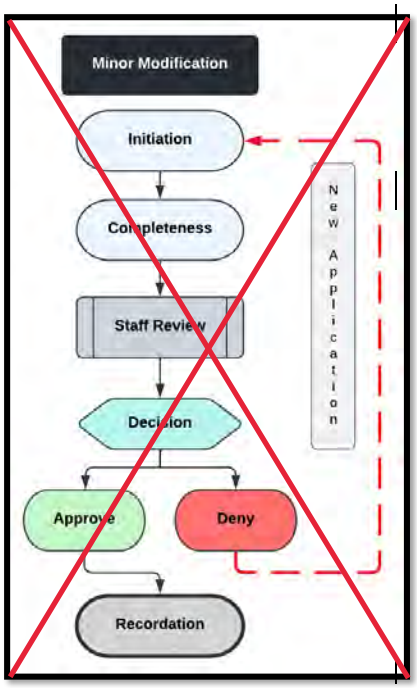
1. This Section establishes a provision for minor modifications associated with the review and approval of a Development, including improvements to existing structures or site features, as required in Chapter 4~~Chapter 4~~.

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~~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~~Section 6.1.6~~.BB.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Planning 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 Planning Director's decision within thirty (30) calendar days of the Planning Director providing a written decision to the applicant.
2. The appeal shall be placed on the next available ~~Planning and Zoning Commission~~Zoning Board of Adjustment agenda. The Zoning Board of Adjustment ~~Planning and Zoning Commission~~ may either affirm, reverse, or modify the Planning Director's decision.

I. Scope of Approval

After a minor modification is approved, the Planning Director may apply the approval to a pending site plan review. Once the minor modification and the site plan are approved, the ~~Director~~ Building Official 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 Planning Director shall maintain a copy of minor modification approval.

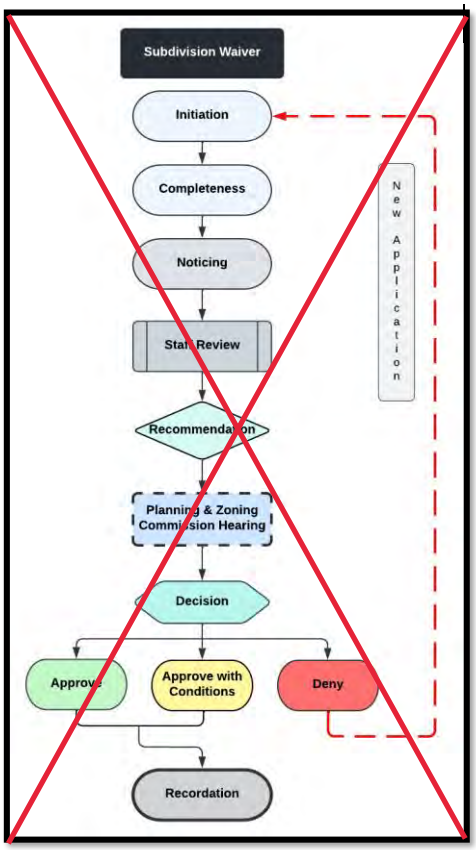
Section 6.4.4. Subdivision Waiver

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.



~~*Figure 6.4.4.1: Subdivision Waiver Flowchart*~~

C. Completeness

See Section 6.1.6~~Section 6.1.6.BB~~.

D. Notice and Hearing(s)

1. Noticing shall comply with Section 6.1.7~~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~~Section 6.1.9~~.

E. Decision

1. Development Team~~Director~~ Review

The Planning Director shall review the waiver application, send the application to other departments and entities for review (i.e., Planning, Fire, ~~Health~~Utilities, Traffic, Public Works, 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

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,

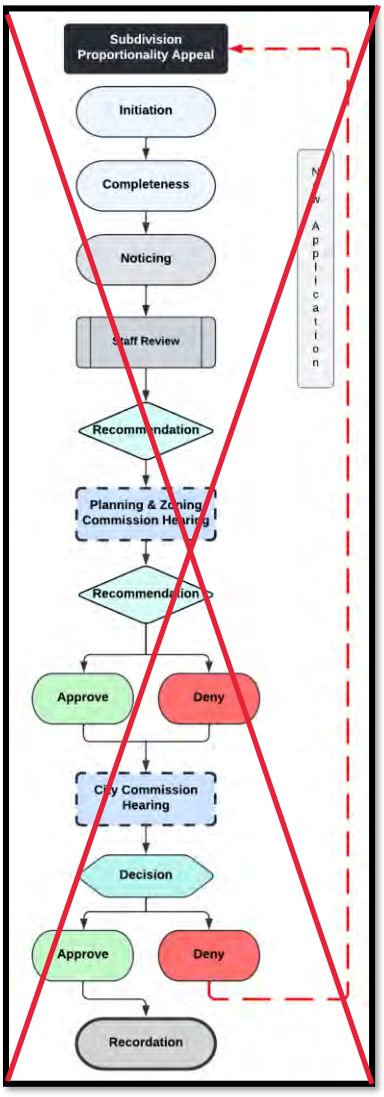


Figure 6.4.5-1: Subdivision Proportionality Appeal

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.~~Section 6.4.5. Economic Hardship Waiver

A. Applicability

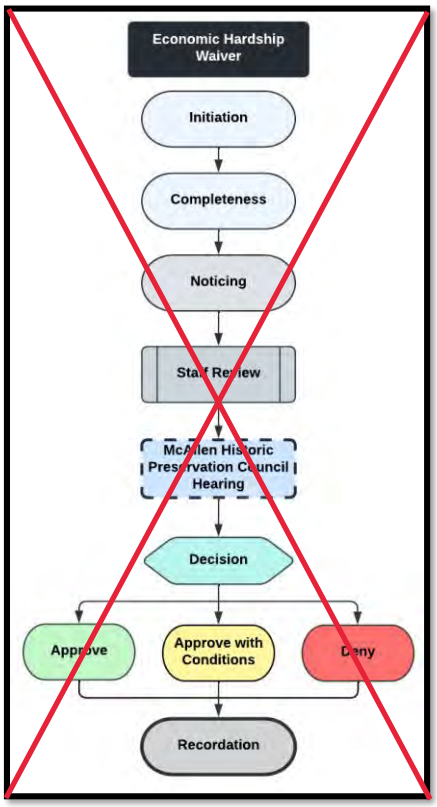
An economic hardship waiver may be submitted to the Historic Preservation Officer as a result of a denied certificate of appropriateness decision.

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~~Section 6.1.6.BB~~.
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 licenses 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.



~~*Figure 6.4.5-1: Economic Hardship Waiver Flowchart*~~

D. Notice and Hearing(s)

1. Generally
   a. Noticing shall comply with Section 6.1.7~~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~~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.

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 APPROPRIATENSS”, 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.~~Section 6.4.6. Interpretation

A. Applicability

The Planning 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 Planning Director on a form established by the Planning Director and made available to the public.

C. Completeness

See Section 6.1.6~~Section 6.1.6~~.B~~B~~.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Planning 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 Planning 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~~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 Planning 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~~Section 7.2.1~~);
2. Nonconforming Structure (Section 7.2.2~~Section 7.2.2~~);
3. Nonconforming Lot (Section 7.2.3~~Section 7.2.3~~);
4. Nonconforming Sign (Section 7.2.4~~Section 7.2.4~~); or
5. Nonconforming Site Plan Improvements (Section 7.2.5~~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.

~~c.~~4. 4. 10% per year

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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~~Article 4.6~~.
2. The expansion is only allowed pursuant to the Planning 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

1. 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.
2. Where a lot of record at the effective date of this UDC does not meet the minimum lot size or lot width required in the district it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, such lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located, as long as it meets all other requirements of this chapter. If such lot does not meet the minimum lot width requirement, the required side yard may be reduced to ten percent of the width of the lot, provided that no side yard shall be less than 3½ feet, subject to all applicable building and fire code requirements.

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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~~ Building Official 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.

Section 7.2.6. Nonconforming Uses Created by Right-of-Way Acquisition

A. Definitions

1. Governmental agency: United States of America, State of Texas, County of Hidalgo, City of McAllen, or any other governmental agency having jurisdiction in the City of McAllen with the ability to exercise eminent domain powers.
2. Right-of-way acquisition: The securing of right-of-way through negotiation, purchase, bargain, trade, donation, condemnation or other means, but not including the dedication of right-of-way through the platting or zoning processes.

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3. Curative measures: Those actions, corrections, repairs and/or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering Damages to the Remainder.

4. Damages to the remainder: The diminution or reduction in value of the remainder property suffered as a result of the acquisition of a portion of a property for a public purpose.

B. Generally

In the event right-of-way acquisition by a governmental agency causes a property or its improvements to be in violation of city zoning ordinances, said property shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition, subject to the following:

a. Property which undergoes a zoning change initiated by the property owner subsequent to right-of-way acquisition shall no longer be subject to this exemption and shall instead have a nonconforming status to the extent that any nonconformance with city ordinances resulted from a right-of-way acquisition by a governmental agency prior to the rezoning and shall therefore be treated as a nonconforming use pursuant to the provisions of this chapter rather than exempt as provided above. However, a zoning change initiated by the city shall not cause a property to lose the exemption provided by this section for properties affected by right-of-way acquisitions.

~~a.~~b. Nothing provided in this provision shall be construed to permit any obstruction which may create a traffic safety hazard or any other safety hazard.

c. ~~Improvements required by SP, S-P-1, or S-P-2 zoning cases and located in the area acquired for right-of-way shall no longer apply subsequent to the acquisition, except that required fencing originally located on the acquired property in the area of acquisition shall be relocated to the remainder of the tract as close as practicable inside the new property line.~~ Compensation provided; exemption inapplicable.

(i) If a governmental agency provides compensation to a property owner for the demolition of improvements or for other curative measures which renders the property or its improvements to be in violation of city zoning ordinances, then the property shall not be eligible for exemptions under this section.

(ii) The building official is authorized to provide notice to any affected property owner, lienholder, or certificate of occupancy holder, listing the items of noncompliance for which no exemption is being provided under this section.

(iii) The building official is authorized to file an affidavit in the Dallas County Deed Records noting such noncompliance, that the property has been compensated for said noncompliance, and that a certificate of occupancy shall not be issued until such noncompliance is cured.

(iv) Once the property and its improvements are brought into full compliance with all applicable ordinances of the city, the building official will be authorized to file an affidavit in the Dallas County Deed Records noting such compliance.

d. The building official is authorized to revoke a certificate of occupancy for any building or structure for which compensation has been paid to be demolished as part of a right-of-way acquisition by a governmental agency.

~~b.~~e. A certificate of occupancy shall not be issued for any building or structure for which compensation has been paid to be demolished or for other curative measures until such

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time that the property and its improvements either come into full compliance with all applicable ordinances of the city or the curative measures, for which the compensation was paid, have been completed.

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 Health 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~~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 0~~0~~, 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 Planning 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~~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 Planning 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. Planning Director

A. Appointment

The Planning 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 Planning 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 Planning Director appoints the Historic Preservation Officer.

C. The Historic Preservation Officer administers ~~0~~, 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.

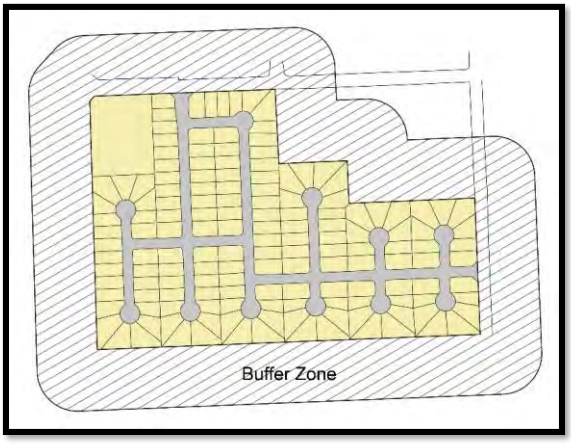
E. The term "may" is discretionary.

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~~.

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 Planning Director.

Article 10.2. Defined Terms

A. A Terms

1. Accessory Building

   A subordinate building on foundation, 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 must be clearly incidental to the main residence on the property. This use also includes similar uses like servant's quarters and guard residences.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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).

8. 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.

9. 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.

10. Amending Plat

    A minor revision or modification of a recorded Plat that does not change or create new lot boundaries.

11. 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.

12. 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.

13. Application

    Notice to the City provided on an acceptable form from the City that begins the development or subdivision process.

14. Architectural Planters

    A container, typically affixed to the ground or a structure in which plantings may be placed within.

15. Artist Studio

    The workshop of an artist, writer, craftsperson, 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.

16. 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."

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

B. B Terms

1. 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.

2. 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.

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. 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.

5. 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.

6. Battery Storage Facility

   Group of batteries assembled together capable of storing energy in order to supply electrical energy at a future time.

7. 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.

8. Bicycle Locker

   A locker or box in which multiple bicycles can be placed, stored, and locked.

9. Bicycle Parking Facility

   Those facilities such as bicycle racks, bicycle lockers, and other features required to park or store bicycles on a site.

10. 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.

11. Block Length

    That dimension between two intersecting streets.

12. 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.

13. Bollard

    A vertical device that provides a physical barrier between different uses or site features to divert traffic from a roadway or specific area.

14. Bollard Rack

    A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.

15. Brewery / Distillery

The production of beer, wine and/or liquor at industrial quantities and internal large-scale commercial distribution.

16. 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.

17. 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.

18. Building Code

    The City's most recently adopted Building Code.

19. Building Height

    See ~~**Section 4.2.4**~~**~~Section 4.2.4~~**.

20. Building Line

    See "Setback".

21. 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.

22. Building Materials, Class 2

    The following exterior construction materials: all Building Materials Class 1, cement fiber board, and 3-step stucco process.

23. 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.

24. 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.

25. 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.

26. Building Square Footage

    The area or floor space within a building or structure.

27. Bungalow Court

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A group of small, detached structures arranged around a shared court visible from the street. Dwelling unit entrances are from the shared court.

28. Bus Terminal

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

C. C Terms

1. 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.

2. 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.

3. 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.

4. Certificate of Convenience and Necessity (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 and/or established an interlocal agreement authorizing service.

5. 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.

6. Channel Letter

A fabricated or formed three-dimensional letter, number, logo or symbol affixed directly onto a surface.

7. 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."

8. Child Care Facility

A business for the care of children at a location other than a caretaker's residence for 24 hours a day. See Chapter 42 of the Human Resources Code.

9. 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.

10. Child Care Home (7-12 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.

11. City

The City of McAllen, Texas and it's departments, agencies, personnel, and staff unless otherwise expressly stated.

12. City Attorney

The City of McAllen's agreed upon legal counsel overseeing the daily legal activities of the City.

13. City Commission

The duly elected governing body of the City of McAllen, Texas.

14. 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.

15. City Limits

    The boundary of the incorporated limits of the City of McAllen.

16. 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.

17. 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.

18. 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.

19. Code of Ordinances

    The City of McAllen's adopted codes not housed within the UDC.

20. College or University

    An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

21. Commercial Cleaning Facility

    An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents.

22. Commercial Kitchen

    A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

23. 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.

24. 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.

25. 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.

26. 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

l. 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."

27. 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.

28. 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.

29. 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.

30. Convenience Store

    A retail store which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

31. Corner Lot

    A lot abutting the intersection of two or more streets other than an alley.

32. Corner Side Yard

    The yard abutting a street on a corner lot.

33. 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.

34. Correctional Facility

    A facility that is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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. Data Center

   A facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including not limited to web hosting organizations and internet service organizations.

2. 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.

3. Deed Restriction

   A document used to place limitations or conditions on a particular property.

4. Demolition

   Any act or process that destroys in part or in whole a landmark or structure within a historic district.

5. 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.

6. 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.

7. 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.

8. District

   See "Zoning District".

9. 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.

10. 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

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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.

11. Double Frontage Lot

A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

12. 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.

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. Elderly Living

A multifamily dwelling development constrcuted for occupancy of at least 80% by persons 55 years of age or older. An elderly lvinig development shall be designed for independent living arrangement with private dwelling units for individuals that are at least 55 years old and shall not be constrcuted to mean assisted living facility, a nursing home, or other long-term care facility.

3. Electrical Substation

A subsidiary station in which electric current is transformed.

4. 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).

5. Eligible Facility

A wireless tower as established in **Section 3.2.8~~Section 3.2.8.AA~~**.

6. Encroachment

The overlapping of a boundary or setback by a physical item such as an awning, canopy, porch, etc.

7. 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.

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8. Escape Lane

An area measuring a minimum of eleven (11) feet wide that provides access around a drive thru facility.

9. External Illumination

Illumination provided by an external light source such as a lamp, bulb, or the like.

10. 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. 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.

2. 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.

3. Farmer's Market

A seasonal and/or periodic outdoor market where individual vendors offer for sale to the public cultivated products, craft items, food and beverage, or similar items, but not second-hand goods, typically dispensed from booths or designated sales points on-site.

4. 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.

5. Feedlot

An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale.

6. 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.

7. Fenestration

The design, proportioning, and disposition of windows and other exterior openings of a building.

8. 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.

9. 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.

10. 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.

11. Fire Code

    The most recently adopted International Fire Code as published by the International Code Council.

12. Fire Marshal

    The official responsible for enforcing the fire regulations of the City of McAllen, Texas.

13. 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.

14. 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.

15. Floodplain

    An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (100-year floodplain).

16. 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.

17. Food Preparation and Sales

    A place for preparing, cooking, baking and selling of products on the premises.

18. 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 receptables needed for the food trucks daily operations.

19. 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.

20. Fourplex

    A detached residential structure containing four dwelling units, designed for occupancy by not more than four families living independently of each other.

21. 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.

22. Frontage Buildout

    The required location where a building, or portion of a building must front.

23. 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.

24. 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.

25. 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.

26. Full Cutoff

    A luminaire with light distribution such that no light is emitted above the horizontal.

27. 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, or columbarias.

28. 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. 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.

4. Gas Metering Station

   A facility at which natural gas flows are regulated and recorded.

5. 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.

6. 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, 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.

7. 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.

8. Governmental Service Yard

   An area for the servicing and storage of vehicles or other property of a governmental agency.

9. 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.

10. Grid Rack

A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

11. 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.

12. 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.

13. Grounded Canopy Sign

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

H. H Terms

1. 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.

2. 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.

3. Hanging Sign

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

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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. Historic Preservation Officer

    The appointed official serving as the historic preservation officer for the City of McAllen.

12. Home Occupation with Impact

    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. This term does not include Home-Based Businesses as discussed in Tex. Loc. Gov't. Code § 229.902.

13. 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.

14. 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.

I. I Terms

1. 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, dance halls, event centers, video and pinball parlors.

2. 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.

3. 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.

4. Infill Development

The redevelopment of an existing built-out site or property.

5. 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.

6. 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.

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. 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.

2. 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. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Lot Area

   The total space required for a lot by multiplying the lot's depth by its width.

10. Lot Coverage

The portion of a lot occupied by the base (first story or floor) of all buildings located on the lot.

11. 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.

12. 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.

13. Low Profile Rack

A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

14. 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).

15. 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 Planning 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. 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.

4. Marquee Sign

   A permanent attached sign affixed to a marquee.

5. McAllen Historic Preservation Council

   The City of McAllen's appointed Historic Preservation Council responsible for overseeing development related to historic properties.

6. 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).

7. Microbrewery

   A small-scale brewery that produces less than 15,000 barrels of beer or wine per year.

8. 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.

9. Minor Plat

   A plat that creates four (4) or fewer lots which do not need the extension of public improvements.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. Multiplex

    A detached residential structure that consists of 5 to 12 dwelling units arranged in side-by-side and/or stacked design.

18. 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. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Nonconformity

The collective term for all nonconforming situations.

8. Nonresidential Development

Any development intended to provide primarily commercial, industrial, automotive, retail, agricultural, or civic uses and structures.

9. 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. 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.

2. Offset

A specified projection or recession that runs vertically along the entirety of a building wall.

3. 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.

4. Outdoor Dining

An accessory space reserved for customers at a restaurant.

5. Outdoor Display

The outside arrangement of goods, materials, products, or other equipment on a lot for consumer sales.

6. Outdoor Storage

The outside keeping of goods, materials, products, containers, or other equipment on a lot.

P. P Terms

1. 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.

2. Parking Facility

A designated lot or area on a lot for the parking of vehicles, inclusive of surface and multi-level, structured parking facilities.

3. 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.

4. 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.

5. 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.

6. 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.

7. Phased Development

   See **Section 5.2.2.F~~Section 5.2.2.F~~.**

8. Phasing Plan

   See **Section 5.2.2.F~~Section 5.2.2.F~~.**

9. Pitched Roof

   A roof that has a slope.

10. 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.

11. Planning and Zoning Commission

    The City of McAllen's appointed Planning and Zoning Commission.

12. Planning 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 Planning Director, including the Planning Director's designee.

13. 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.

14. 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.

15. 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.

16. Portable Building

    A temporary building that does not have a foundation and is transportable.

17. 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.

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18. Postal Services

    Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

19. Power Plant

    An industrial facility using solar, wind, water, electric, or other sources to generate electric power.

20. Pre-Development Meeting

    Abbreviated as PDM, this term means a meeting with the Staff Review Committee before a formal submittal of a development application.

21. Pre-Construction Meeting

    A meeting with the City staff before commencing construction on land approved for development.

22. 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.

23. Principal Use

    The main use of land or building as distinguished from the subordinate or accessory use.

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. 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.

26. Private Stable

    An accessory use designated for quartering horses on private property.

27. 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.

28. Private Swimming Pool

    A swimming pool on private property for the use of the property owner, including family and guests.

29. 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.

30. 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.

31. Property Owners' Association

    See "Homeowners' Association".

32. PROWAG

    The acronym for Public Rights-of-Way Accessibility Guidelines.

33. 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.

34. Public Facilities

    See Public Improvements or Public Utilities definitions.

35. 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.

36. 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.

37. 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.

38. 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; and

h. Any contractor hired by these entities.

39. 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. Race Track

A facility used for the racing of motor-driven vehicles and/or animals.

2. Radio / Television Studio

A land use that broadcasts amplitude modulation or frequency modulation audio signals for general public reception.

3. Railroad Station

Any premises for the transient parking of trains and the loading and unloading of passengers.

4. Railroad Team Track and Right-of-Way

A facility/place for the loading and unloading of materials on trains.

5. Rear Yard

A yard between the rear property line and the rear line of the primary building and the side property lines.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

12. Residential Development

    Any development intended to provide primarily residential uses and structures.

13. Residential Subdivision

    Any subdivision of land intended for residential development.

14. Restaurant

    An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises.

15. 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.

16. 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.

17. 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. Liquor stores are considered retail stores subject to no on-premise consumption.

18. 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.

19. 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.

20. 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.

21. Roof

The external upper covering of a building, including the frame for supporting the roofing.

S. S Terms

1. 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 dismounted 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.

2. 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.

3. 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.

4. SDG

The acronym for the City of McAllen's adopted Standard Design Guide for Public Infrastructure Improvements, as amended.

5. 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.

6. 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.

7. Secure Bicycle Parking Area

A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control.

8. 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.

9. 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.

10. Service Bay

    An opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access.

11. 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.

12. 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.

13. 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.

14. Sidewalk

    A paved, surfaced of 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.

15. 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.

16. 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.

17. 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.

18. Sight Visibility Triangle

    The sight visibility triangle is the area in the form of a triangle as defined by SDG (Standard Design Guide).

19. 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.

20. Sign Height

    The vertical distance measured from the highest point of a sign to the ground or lowest grade beneath the sign.

21. Sign Permit

    A permit authorizing the erection or maintenance of a sign pursuant to this UDC.

22. 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.

23. Site Plan

    A detailed, scaled drawing of all surface improvements, structures, uses, and utilities proposed for development associated with this UDC.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. Stacking Lane

    A 9-foot wide lane containing multiple stacking spaces.

31. 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.

32. 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.

33. 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.

34. Streetscape

    The area within street right-of-way that contains sidewalks and pedestrian facilities, street furniture, landscaping, or trees.

35. Subdivide

    The act of land being split into separate parcels or lots for recordation.

36. 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."

37. Subdivision Entry Sign

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

38. 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.

T. T Terms

1. TABC

   The acronym for Texas Alcohol Beverage Commission, as compiled by the Texas Secretary of State.

2. TAC

   The acronym for Texas Administrative Code, as compiled by the Texas Secretary of State.

3. Taxidermist

   A facility engaged in the preserving of an animal's body via mounting or stuffing for the purpose of display or study.

4. TCEQ

   The acronym for Texas Commission on Environmental Quality.

5. 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.

6. Telephone Exchange

   A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

7. 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.

8. 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.

9. 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.

10. Throat Length

    The length of the driveway up to the first conflict point.

11. Through Lot

    A lot other than a corner lot with frontage on more than one parallel street other than an alley.

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. Transit Station

An area or facility where people wait for transportation services.

14. 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.

15. Triplex

A detached residential structure containing three dwelling units, designed for occupancy by not more than three families living independently of each other.

16. 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.

17. 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.

18. 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.

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.

3. Utility Shop

The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

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. 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.

4. 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. 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."

6. 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.

7. 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.

8. 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 (50% coverage is required).

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.

Appendix ~~A~~F: 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~~Section 6.1.7~~, and official signs shall be posted as provided in Section 6.1.7~~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~~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~~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~~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~~Section 6.1.7~~, and official signs shall be posted as is provided in Section 6.1.7~~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~~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~~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 of heritage property has

failed to maintain the criteria specified in Subsection 33, 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~~Section 6.1.7~~, and official signs shall be posted as is provided in Section 6.1.7~~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 of heritage property has failed to maintain the criteria specified in Subsection 33; 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~~Section 6.1.7~~, and official signs shall be posted as is provided in Section 6.1.7~~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~~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.

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SUB 2025-0184

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name BALBOA ACRES
Legal Description ALL OF THE E. ½ OF LOT 5, BLK. 19, BALBOA ACRES
Location 3113 DAYTONA AVE.
City Address or Block Number 3113 DAYTONA AVE.
Total No. of Lots 1 Total Dwelling Units 1 Gross Acres 0.12 Net Acres 0.12
☒Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☒No
For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☒ **Residential (** 1 **Lots)** Replat: ☒Yes/☐No
Existing Zoning R-1 Proposed Zoning R-1 Applied for Rezoning ☒No/☐Yes: Date ____
Existing Land Use VACANT Proposed Land Use RESIDENTIAL
Irrigation District # 3 Water CCN: ☒MPU/☐Sharyland Water SC Other ____
Agricultural Exemption: ☐Yes/☒No Parcel # 120638
Estimated Rollback Tax Due NONE Tax Dept. Review BQ300-00-019-0005-00

Owner

Name ANARCASIS DAVILA Phone ____
Address 3113 DAYTONA AVE. E-mail ____
City MCALLEN State TX Zip 78503

Developer

Name SAME AS OWNER Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Engineer

Name DAVID SALINAS Phone 682-9081
Address 2221 DAFFODIL AVE. E-mail dsalinas@salinaseng
City MCALLEN State TX Zip 78501 ERING.com
Contact Person DAVID

Surveyor

Name SAME AS ENGR. Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____

DEC 23 2025
BY: OW

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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 12/23/25

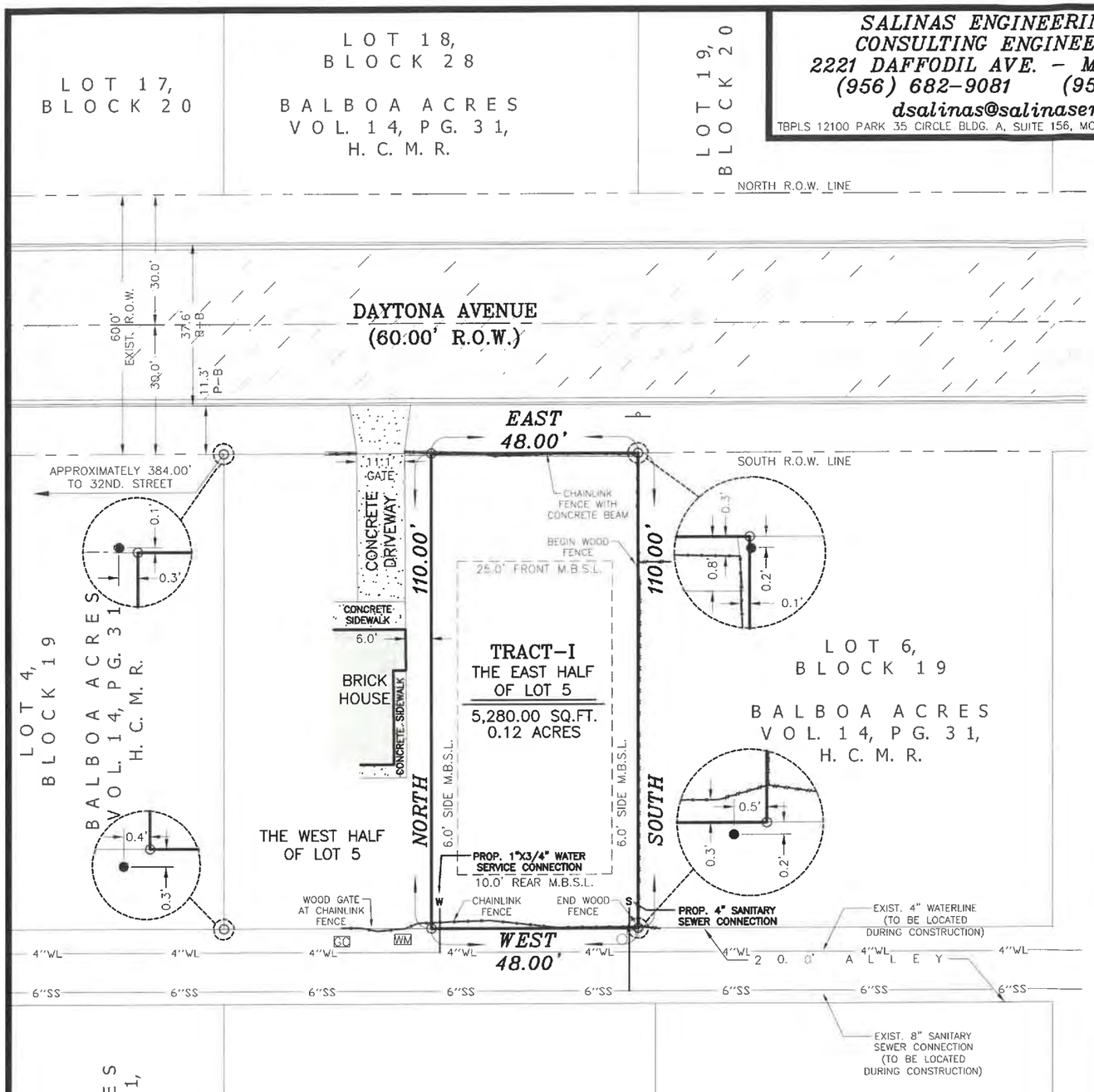
Print Name David Salinas

Owner ☐ Authorized Agent ☒

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

LOCATION
DAYTONA AVE
PROPOSED BALBOA ACRES EAST
HALF OF BLK 19 LOT 5 SUBDIVISION
S 33RD ST
BALBOA ACRES S
N
W
E
S
WEST 1/2 OF 2
EAST 1/2 OF 2

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. – MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263



SCALE: 1" = 30'

LEGEND

●	FOUND 1/2" IRON ROD
○	SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
—o—	SPEED SIGN
PP	POWER POLE
GC	GAS CONNECTION
WM	WATER METER
R.O.W.	RIGHT OF WAY
P-B	PROPERTY LINE TO BACK OF CURB
B-B	BACK OF CURB TO BACK OF CURB
H.C.M.R.	HIDALGO COUNTY MAP RECORDS
M.B.S.L.	MINIMUM BUILDING SETBACK LINE

GENERAL PLAT NOTES:

1. Bearing Basis: Recorded plat of **Balboa Acres, An Addition to the City of McAllen**, Hidalgo County, Texas.
2. This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.
8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 3113 DAYTONA AVE. in McALLEN, Texas, described as follows: ALL OF THE EAST HALF OF LOT 5 (TRACT-I)

Lot _____, Block 19, of BALBOA ACRES, AN ADDITION TO THE CITY OF McALLEN HIDALGO CO.

Texas, according to the plat recorded in Volume 14, Page 31, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone "AH" as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0001 C.

H.C.
DRN. BY

DEC. 23, 2025
DATE

S-25-26391
JOB NO.

STATE OF TEXAS
REGISTERED
DAVID OMAR SALINAS
5782
PROFESSIONAL
LAND SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 12/30/2025

SUBDIVISION NAME: BALBOA ACRES (EAST HALF)

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
Daytona Avenue: 60 ft. ROW Paving: 37.6 BB Curb & gutter: Both Sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing conditions remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25 ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements. **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements. **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Corner **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Daytona Avenue. **Subdivision Ordinance: Section 134-120	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	NA
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	NA
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area Survey for East half of Lot 5 Block 19 shows 48 ft. width **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

ZONING/CUP	
* Existing: R-1 (Low density Residential District) Proposed: R-1 (Low density Residential District) ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: - Existing Plat notes remain the same - Public Hearing is required for the subdivision of the lot - Must comply with other departments requirements prior to recording as may be applicable *Must comply with City's Access Management Policy.	Required
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITY APPROVALS	Applied

LOCATION
PROPOSED BALBOA ACRES EAST
HALF OF BLK 19 LOT 5 SUBDIVISION
DAYTONA AVE
S 33RD ST
BALBOA ACRES S
N
W
E
S
WEST 1/2 OF 2
EAST 1/2 OF 2

Sub 2025-0185

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name BALBOA ACRES
Legal Description ALL OF THE W. 1/2 OF LOT 5, BLK. 19, BALBOA ACRES
Location 3113 DAYTONA AVE.
City Address or Block Number 3113 DAYTONA AVE.
Total No. of Lots 1 Total Dwelling Units 1 Gross Acres 0.12 Net Acres 0.12
☒Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☒No
For Fee Purposes: ☐**Commercial (** ____ **Acres)/**☒**Residential (** 1 **Lots)** Replat: ☒Yes/☐No
Existing Zoning R-1 Proposed Zoning R-1 Applied for Rezoning ☐No/☐Yes: Date ____
Existing Land Use OPEN LOT Proposed Land Use RESIDENTIAL
Irrigation District # 3 Water CCN: ☒MPU/☐Sharyland Water SC Other ____
Agricultural Exemption: ☐Yes/☒No Parcel # 120638
Estimated Rollback Tax Due NONE Tax Dept. Review B0300-00-019-0005-00

Owner

Name ANARCASIS DAVILA Phone ____
Address 3113 DAYTONA AVE. E-mail ____
City MCALLEN State TX Zip 78503

Developer

Name SAME AS OWNER Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____
Contact Person ____

Engineer

Name DAVID SALINAS Phone 682-9081
Address 2221 DAFFODIL AVE. E-mail dsalinas@salinaseng.com
City MCALLEN State TX Zip 78501
Contact Person DAVID

Surveyor

Name SAME AS ENGR. Phone ____
Address ____ E-mail ____
City ____ State ____ Zip ____

DEC 23 2025
BY: [signature]

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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 12/23/25

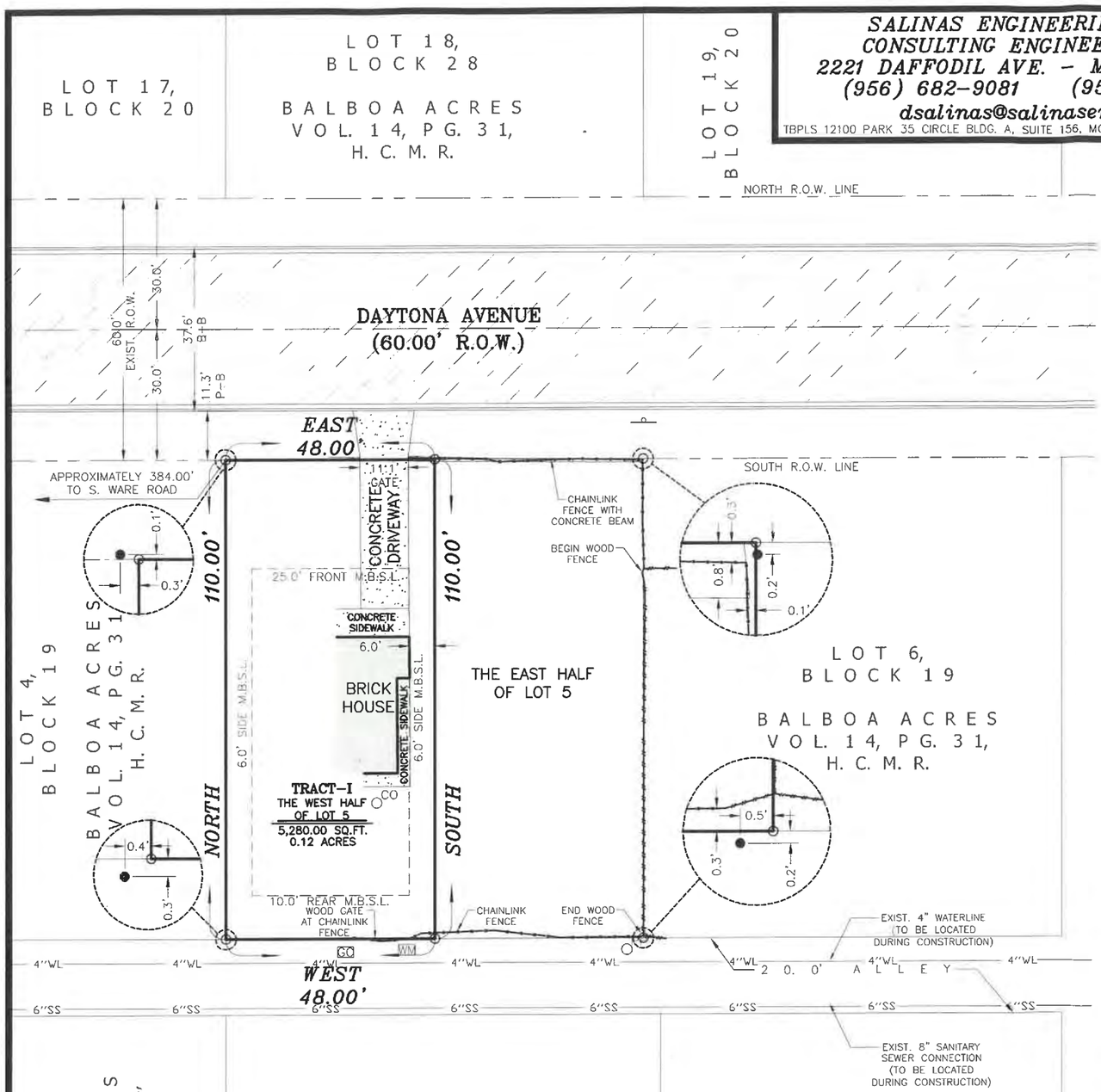
Print Name Anarcasis Avila

Owner ☒ Authorized Agent ☐

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

LOCATION
PROPOSED BALBOA ACRES WEST
HALF OF BLK 19 LOT 5 SUBDIVISION
BALBOA ACRES
DAYTONA AVE
S 33RD ST
S. 33RD ST.
N
W
E
S
WEST 1/2 OF 2
EAST 1/2 OF 2

SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. - MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263



SCALE: 1" = 30'

LEGEND

●	FOUND 1/2" IRON ROD
○	SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
SP	SPEED SIGN
CO	CLEANOUT
PP	POWER POLE
GM	GAS CONNECTION
WM	WATER METER
R.O.W.	RIGHT OF WAY
P-B	PROPERTY LINE TO BACK OF CURB
B-B	BACK OF CURB TO BACK OF CURB
H.C.M.R.	HIDALGO COUNTY MAP RECORDS
M.B.S.L.	MINIMUM BUILDING SETBACK LINE

GENERAL PLAT NOTES:

1. Bearing Basis: Recorded plat of **Balboa Acres, An Addition to the City of McAllen**, Hidalgo County, Texas.
2. This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.
8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 3113 DAYTONA AVE. in McALLEN, Texas, described as follows: ALL OF THE WEST HALF OF LOT 5 (TRACT-I)

Lot _____, Block 19, of BALBOA ACRES, AN ADDITION TO THE CITY OF McALLEN HIDALGO CO.

Texas, according to the plat recorded in Volume 14, Page 31, of the MAP Records of Hidalgo County, Texas. I further certify that this property lies in Zone " AH " as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0004 C.

H.C.
DRN. BY

DEC. 23, 2025
DATE

S-25-26391-A
JOB NO.

STATE OF TEXAS
REGISTERED
DAVID OMAR SALINAS
5782
PROFESSIONAL LAND SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 12/30/2025

SUBDIVISION NAME: BALBOA ACRES (WEST HALF)

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
Daytona Avenue: 60 ft. ROW Paving: 37.6 ft. BB Curb & gutter: Both Sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: Existing Conditions Remain *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: 25 ft. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the Zoning Ordinance or greater for easements. **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the Zoning Ordinance or greater for easements. **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Corner **Zoning Ordinance: Section 138-356	NA
* Garage: 18 ft. except where greater setback is required, greater setback applies. **Zoning Ordinance: Section 138-356	Applied
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on Daytona Avenue **Subdivision Ordinance: Section 134-120	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	NA
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses **Landscaping Ordinance: Section 110-46	NA
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	NA
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
LOT REQUIREMENTS	
* Lots fronting public streets **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area Survey for west half of lot 5 block 19 shows 48 ft. width. **Zoning Ordinance: Section 138-356	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

ZONING/CUP	
* Existing: R-1 (Low Density Residential District) Proposed: R-1 (Low Density Residential District) ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	Required
* Pending review by the Parkland Dedication Advisory Board and CC.	Applied
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: - Existing Plat notes remain the same - Public Hearing is required for the subdivision of the lot - Must comply with other departments requirements prior to recording as may be applicable *Must comply with City's Access Management Policy. *Must comply with City's Access Management Policy.	Required
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITY APPROVALS	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

LOCATION
DAYTONA AVE
PROPOSED BALBOA ACRES WEST
HALF OF BLK 19 LOT 5 SUBDIVISION
BALBOA ACRES
S 33RD ST
S. 33RD ST.
WEST 1/2 OF 2
EAST 1/2 OF 2
N
W
E
S

SUB2025-0131

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name ~~1619 GALVESTON AVE. SUB~~ MCALLEN, O.T. LOTS 1A AND 2A

Legal Description ALL OF LOTS 1-12, BLK. 3, O.T. OF MCALLEN

Location NWC HOUSTON AVE. & S. 17TH ST.

City Address or Block Number 1619 Galveston Ave

Total No. of Lots 2 Total Dwelling Units 2 Gross Acres 2.06 Net Acres 2.06

☒Public Subdivision/☐Private and Gated /☐Private but Not Gated within ETJ: ☐Yes/☒No

For Fee Purposes: ☒**Commercial (**2.06**Acres)**/☐ **Residential (** ____ **Lots)** Replat: ☐Yes/☐No

Existing Zoning C-3 Proposed Zoning C-3 Applied for Rezoning ☒No/☐Yes: Date ____

Existing Land Use 2-COM. BUILD. Proposed Land Use 2-COM. BUILD.

Irrigation District # N/A Water CCN: ☒MPU/☐Sharyland Water SC Other ____

Agricultural Exemption: ☐Yes/☒No Parcel # 229111

Estimated Rollback Tax Due ____ Tax Dept. Review ____

Owner

Name MARC & ANGELA MILLS Phone 408-0084

Address 1305 JASMINE AVE. E-mail MARC@MILLSTEQ.COM

City MCALLEN State TX Zip 78501

Developer

Name SAME AS OWNER Phone ____

Address ____ E-mail ____

City ____ State ____ Zip ____

Contact Person ____

Engineer

Name DAVID O. SALINAS Phone 682-9081

Address 2221 DAFFODIL AVE. E-mail dsalinas@salinasengineering.com

City MCALLEN State TX Zip 78501

Contact Person DAVID / NICK

Surveyor

Name SAME AS ENGR. Phone ____

Address ____ E-mail ____

City ____ State ____ Zip ____

SEP 19 2025

BY: MD

VAR2025-0044

City of McAllen

Planning Department

VARIANCE TO SUBDIVISION PROCESS APPLICATION

311 North 15th Street
McAllen, TX 78501
P. O. Box 220

McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description: LOTS 1-12, MCALLEN O.T., AND PART OF AN ABANDONED ALLEY,

Proposed Subdivision (if applicable): MCALLEN O.T. LOTS 1A & 2A, BLK. 58

Street Address: 1619 GALVESTON AVE.

Number of lots: 2 Gross acres: 2.06 GR.

Existing Zoning: C-3 Existing Land Use: BUILDINGS (FORMER SCHOOL)

☒ Current Survey and Metes and Bounds (required if the legal description is a portion of a lot)

Applicant

Name: MARC MILLIS Phone: 408-0084

Address: 1305 JASMINE AVE. E-mail: MARC@MILLISREG.COM

City: MCALLEN State: TX Zip: 78501

Owner

Name: SAME AS APPLICANT Phone:

Address: E-mail:

City: State: Zip:

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (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: 11/11/'25

Print Name: DAVID O. SALINAS ☐ Owner ☒ Authorized Agent

Office

FOR OFFICE USE ONLY

APPLICATION FILING FEE: ☐ $250.00

Accepted by: NM Payment received by: Natalie Date: 11/12/25

Rev 06/21

NOV 12 2025

BY:

City of McAllen
Planning Department
REASON FOR APPEAL

Notes: As per McAllen Code of Ordinances Sec. 134-6, financial hardships alone are **not** an eligible standing for a variance. Please submit for consideration and review any combination of the following: (*If necessary, please use an additional page to complete responses*)
**Information provided here by the applicant does not guarantee that the Commission will grant a variance.
***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

Reason for Appeal

1. Describe the special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

VARIANCE ON ROW & FUTURE PAVEMENT DUE TO CLOSE PROXIMITY OF BUILDING & OTHER IMPROVEMENTS ALONG BOTH SIDE OF HOUSTON AVE. SAME ARGUMENT ALONG GALVESTON.

2. Described how the variance is necessary for the preservation and enjoyment of the legal property rights of its owner.

THE VARIANCE WOULD PERMIT THE FUTURE AND FURTHER DEVELOPMENT OF THIS SITE W/ OUT THE BURDEN OF DEDICATED LANDS & STREET WIDENING COSTS WHERE SUCH ROW &. PAVEMENT IS NOT LIKELY.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area.

THE VARIANCE WILL NOT AFFECT THE RIGHTS OR WELFARE OF ADJ. PROPERTY OWNERS.

4. Describe how the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

THE VARIANCE HAS NO IMPACT ON ADJ PROPERTIES AND IS REALISTIC TO THE EXISTING ROAD CONDITIONS - THESE LANDS ARE OLD & ESTABLISHED W/ RESPECT TO FUTURE ROADS

Natalie Moreno

From: David Salinas <dsalinas@salinasengineering.com>
Sent: Tuesday, November 11, 2025 1:26 PM
To: Natalie Moreno
Cc: Mickael Salinas; Monica Guerra; Marc Millis; Omar Sotelo; Eduardo Garza
Subject: McAllen O.T. Lots 1A and 2A, Block 58 Variance

Natalie, per your request, please find below a more detailed explanation of the Variance being requested for McAllen O.T. Lots 1A and 2A, Block 58:

City Comments

ALONG GALVESTON AVE:
Total Existing ROW on Galveston Ave: 50.0 feet (25 feet on each side of centerline)
Total Existing Pavement on Galveston Ave.: 38 feet B-B (or 19 feet on each side of centerline)

Total ROW requested by City on Galveston Ave.: 60.0 feet (30.0 feet each way from centerline)
Total Pavement requested by City on Galveston Ave: 40' B-B (20.0 feet each way from centerline)

VARIANCE REQUESTED ALONG GALVESTON AVE.
No additional dedication by plat of 5.0 feet along south side (plat side) of Galveston Ave.
To not provide any additional pavement of 1.0 foot

ALONG HOUSTON AVE.
Total Existing ROW on Houston Ave: 40.0 feet (20 feet on each side of centerline)
Total Existing Pavement on Houston Ave.: 34 feet B-B (or 17 feet on each side of centerline)

Total ROW requested by City on Galveston Ave.: 80.0 feet (40.0 feet each way from centerline)
Total Pavement requested by City on Galveston Ave: 52' B-B (26.0 feet each way from centerline)

VARIANCE REQUESTED ALONG GALVESTON AVE.
No additional dedication by plat of 20.0 additional feet along north side (plat side) of Houston Ave.
To not provide any additional pavement of 9.0 feet

Please confirm these numbers and if good this will help clarify the variances being requested. We can meet up to discuss to be sure your clear. Let me know if you have any questions.

Thank you.

David

David Omar Salinas, P.E., RPLS, MSEE, CFM

SALINAS ENGINEERING & ASSOCIATES

2221 Daffodil Ave.

McAllen, Texas, 78501

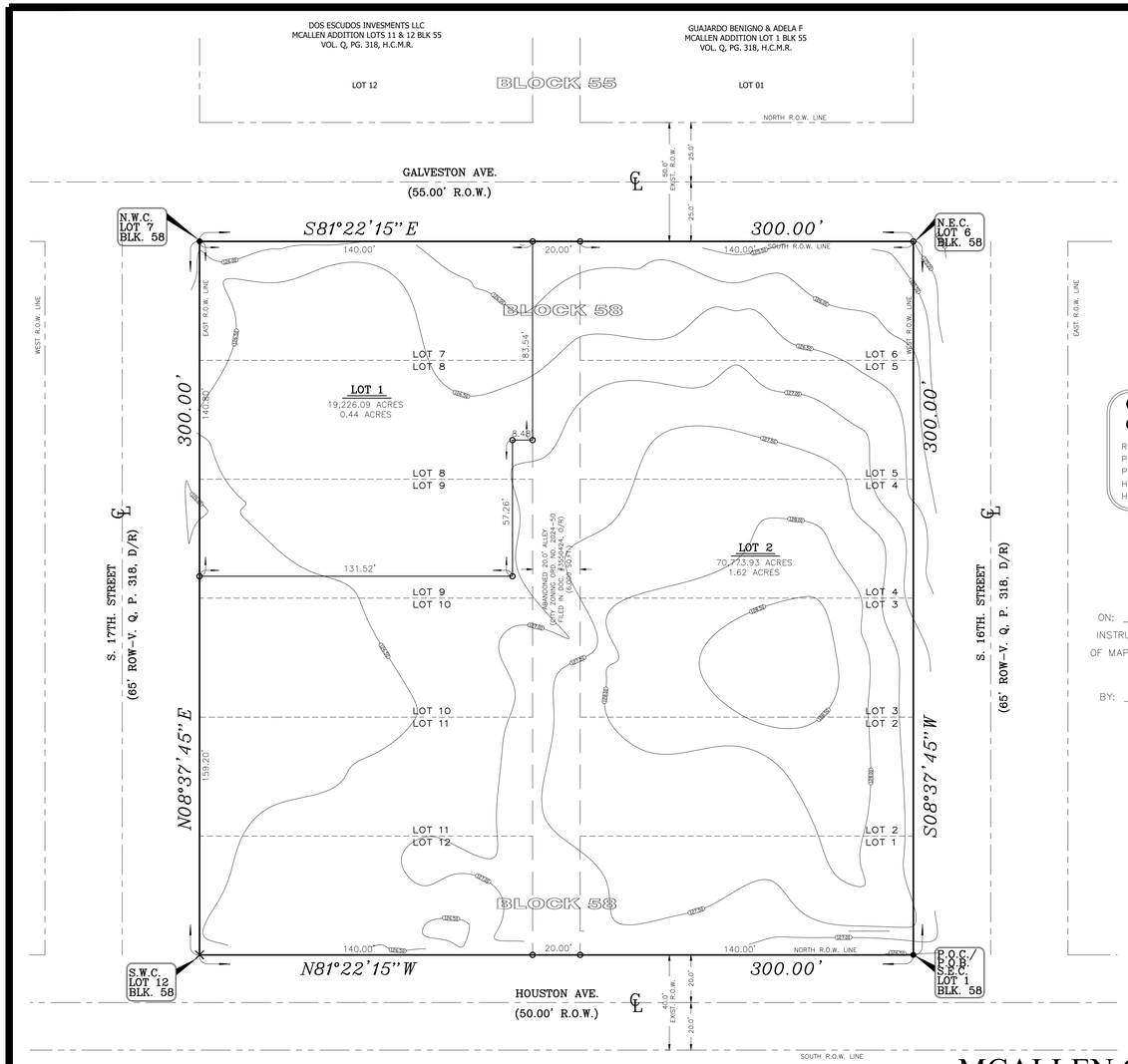
(956) 682-9081

(956) 686-1489 Fax

(956) 648-8899 Cell

dsalinas@salinasengineering.com

LOCATION
PROPOSED
MCALLEN O.T.
LOTS 1A & 2A
BLOCK 58
SUBDIVISION
FRESNO AVE.
GALVESTON AVE.
HOUSTON AVE.
ITHACA AVE.
JACKSON AVE.
S. 17TH ST.
S. 16TH ST.
S 16TH ST
BICENTENNIAL BLVD.
N
S
E
W
LOT 1
LOT 5A
LOT 6A
SOUTH McALLEN
4
ADDITION
NELSON ADDIT
3



SCALE: 1" = 20'

LEGEND

●	FOUND 1/2" IRON ROD
○	SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
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.M.R.	HIDALGO COUNTY MAP RECORDS

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 MCALLEN O.T. LOTS 1A AND 2A, BLOCK 58 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: ALMONDINE PROPERTIES LLC.
MARC MILLIS, MANAGER
1305 JASMINE AVE
MCALLEN, TEXAS 78501

OWNER: ALMONDINE PROPERTIES LLC.
ANGELA MILLIS, MANAGER
1305 JASMINE AVE
MCALLEN, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARC MILLIS AND ANGELA MILLIS, 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 _____, 2025.

_____
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.

STATE OF TEXAS
DAVID OMAR SALINAS
71973
REGISTERED
PROFESSIONAL ENGINEER

_____ _____
DAVID OMAR SALINAS, P.E. DATE
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.

STATE OF TEXAS
REGISTERED
DAVID O. SALINAS
5782
PROFESSIONAL
LAND SURVEYOR

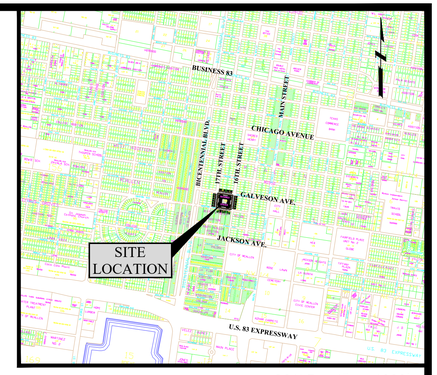
_____ _____
DAVID O. SALINAS, R.P.L.S. DATE
REG. PROFESSIONAL LAND SURVEYOR #5782

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. DATE
GENERAL MANAGER



LOCATION MAP SCALE : 1" = 1000'

METES AND BOUNDS DESCRIPTION

BEING A 2.06 GROSS ACRE TRACT OF LAND, MORE OR LESS, CONSISTING OF ALL OF LOTS 1–12, BLOCK 58, INCLUDING AN ABANDONED 20.0 FOOT PUBLIC DEDICATED ALLEY LOCATED BETWEEN LOTS 1 THRU 6, AND, LOTS 7 THRU 12, HAVING BEEN ABANDONED BY MCALLEN CITY ORDINANCE NO. 2024–50, ALL OUT OF THE O.T. OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME Q, PAGE 318, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 2.06 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A ½ INCH DIAMETER IRON ROD FOUND ON THE SOUTHEAST CORNER OF SAID LOT 1 LOCATED AT THE INTERSECTION OF S. 16TH. STREET AND HOUSTON AVE. FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, NORTH 81 DEGREES 22 MINUTES 15 SECONDS WEST, COINCIDENT WITH THE SOUTH LINE OF SAID LOTS 1 AND 12, AND, THE SOUTH LINE OF SAID ABANDONED ALLEY, AND, FURTHER BEING COINCIDENT WITH THE NORTH RIGHT–OF–WAY LINE OF SAID HOUSTON AVE., A DISTANCE OF 300.0 FEET IN ALL TO AN "X" CUT FOUND ON THE SOUTHWEST CORNER OF SAID LOT 12 LOCATED AT THE INTERSECTION OF S. 17TH. STREET, AND, HOUSTON AVE. FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, NORTH 08 DEGREES 37 MINUTES 45 SECONDS EAST, COINCIDENT WITH THE WEST LINES OF SAID LOT 12 THRU 7, AND, BEING COINCIDENT WITH THE EAST RIGHT–OF–WAY LINE OF SAID S. 17TH. STREET, A DISTANCE OF 300.0 FEET IN ALL TO A ½ INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID LOT 7 LOCATED ON INTERSECTION WITH S. 17TH. STREET, AND, GALVESTON AVE. FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, SOUTH 81 DEGREES 22 MINUTES 15 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOTS 7 AND 6, AND, THE NORTH LINE OF SAID 20.0 FOOT ABANDONED ALLEY, AND, BEING COINCIDENT WITH THE SOUTH RIGHT–OF–WAY LINE OF SAID GALVESTON AVE., A DISTANCE OF 300.0 FEET IN ALL TO A ½ INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF SAID LOT 6 LOCATED ON THE INTERSECTION WITH GALVESTON AVE., AND, S. 16TH. STREET FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, SOUTH 08 DEGREES 37 MINUTES 45 SECONDS WEST, COINCIDENT WITH THE WEST RIGHT–OF–WAY OF SAID LOTS 6 THRU 1, AND, BEING COINCIDENT WITH THE WEST RIGHT–OF–WAY LINE OF SAID S. 16TH. STREET, A DISTANCE OF 300.0 FEET IN ALL TO THE POINT OF BEGINNING, CONTAINING 2.06 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING: ART SALINAS, RPLS SURVEY
N:\SUBDIVISIONPLATS\1619GALVESTONAVE. SUB\2.06.091625

MCALLEN O. T.
LOTS 1A AND 2A, BLOCK 58

AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

BEING A 2.06 GROSS ACRE TRACT OF LAND, MORE OR LESS, CONSISTING OF ALL OF LOTS 1–12, BLOCK 3, INCLUDING A FORMER 20.0 FOOT PUBLIC DEDICATED ALLEY LOCATED BETWEEN LOTS 1 THRU 6, AND, LOTS 7 THRU 12, HAVING BEEN ABANDONED BY CITY ORDINANCE NO. 2024–50, ALL OUT OF O.T. OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME Q, PAGE 318, DEED RECORDS OF HIDALGO COUNTY, TEXAS;

GENERAL PLAT NOTES:

1. MINIMUM SETBACK LINES = FRONT: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS OR INLINE WITH EXISTING STRUCTURES, WHICHEVER IS GREATER.

   SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS. WHICHEVER IS GREATER APPLIES.

   REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.

   CORNER: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS, WHICHEVER IS GREATER APPLIES.

2. LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "C" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/02/82, COMMUNITY PANEL NO. 480343 0010 C.
   ZONE "C": AREAS OF MINIMAL FLOODING. (NO SHADING)

3. MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF CURB MEASURED FROM FROM THE CENTER OF THE LOT ALONG SOUTH 17TH. STREET FOR LOT 1, AND, SOUTH 16TH. ALONG FOR LOT 2.

4. MINIMUM 4 FT. WIDE SIDEWALK IS REQUIRED ON SOUTH 16TH STREET, GALVESTON AVENUE, HOUSTON AVENUE, AND SOUTH 17TH STREET.

5. THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 16763.78 CUBIC FEET, OR, 0.385 ACRE–FEET OF DRAINAGE RUNOFF VOLUME. LOT 1 SHALL DETAIN A MINIMUM OF 3,580.61 CU. FT., AND, LOT 2 SHALL DETAIN A MINIMUM OF 13,183.71 CU. FT. (PRO–RATED VOLUMES).

6. THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY UTILITY EASEMENTS SHALL BE PROHIBITED.

7. AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, MAYBE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.

8. B.M.–MCALLEN SURVEY CONTROL POINT NO. 82, LOCATED IS AT THE NORTHWEST CORNER OF THE INTERSECTION OF BROADWAY AVE. AND JACKSON AVE. THE MONUMENT IS 16 FT. WEST FROM THE BC OF BROADWAY AVE. AND 81 FT. NORTH FROM THE BC OF JACKSON AVE.

9. 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.

10. 6' OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI–FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.

11. 8' MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI–FAMILY RESIDENTIAL ZONES/USES.

12. COMMON AREAS, ANY PRIVATE STREETS/DRIVES, GATE AREAS, ETC. MUST BE MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF MCALLEN.

PRINCIPAL CONTACTS

	NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER:	MARC MILLIS	1305 JASMINE AVE	MCALLEN, TEXAS 78501	(956) 408–0084	NONE
OWNER:	ANGELA MILLIS	1305 JASMINE AVE	MCALLEN, TEXAS 78501	(956) 408–0084	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

MCALLEN O. T.
LOTS 1A AND 2A, BLOCK 58

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF PREPARATION: DEC. 12, 2025.
JOB NUMBER: SP–25–26351

OWNER: ALMONDINE PROPERTIES LLC.
MARC MILLIS, MANAGER
ANGELA MILLIS, MANAGER
1305 JASMINE AVE
MCALLEN, TEXAS 78501

SEA
SALINAS ENGINEERING & ASSOC.
(F–6675) (TBPLS–10065700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL – McALLEN, TEXAS 78501
(956) 682–9081 – (956) 686–1489 (FAX)
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC–230, AUSTIN, TEXAS 78573 (512) 239–5263

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 12/29/2025

SUBDIVISION NAME: MCALLEN O.T. LOTS 1A & 2A, BLOCK 58 SUBDIVISION

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
Houston Avenue: Dedication as required 40 ft. from centerline for a total of 80 ft. R.O.W. Paving 52 ft. Curb & gutter both sides Revisions Required: - Label centerline and show R.O.W. existing on both sides to determine R.O.W. dedication requirements, prior to final. - Provide any existing R.O.W on plat with documents numbers and provide a copy to staff for review, prior to final. - Engineer submitted a variance request to not dedication ROW. Variance will be heard on for P&Z 01/06/2026 and City Commission on 02/09/2026. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Non-compliance
S. 16th Street: 65 ft. existing R.O.W Paving 40 ft. Curb & gutter both sides Revision needed: -Label centerline and show R.O.W. existing on both sides to determine R.O.W. dedication requirements, prior to final. - Provide documents of existing R.O.W., prior to final **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Non-compliance
Galveston Avenue: Dedication of 30 ft. from centerline for a total of 60 ft. R.O.W Paving 40 ft. Curb & gutter both sides *Revisions required: - Label centerline and show R.O.W. existing on both sides to determine R.O.W. dedication requirements, prior to final. - If the existing R.O.W remains, a variance request may need to be submitted. - - Engineer submitted a variance request to not dedication ROW. Variance will be heard on for P&Z 01/06/2026 and City Commission on 02/09/2026. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Non-compliance
S. 17th Street: 65 ft. existing R.O.W Paving 40 ft. Curb & gutter both sides -Label centerline and show R.O.W. existing on both sides to determine R.O.W. dedication requirements, prior to final. - provide existing R.O.W from the property to the west - Provide documents from the existing R.O.W., prior to final **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Non-compliance

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

_____ 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	Applied
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	Applied
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	Applied
ALLEYS	
ROW: 20 ft. Paving: 16 ft. -Plat reference abandoned alley R.O.W. by document number #3550424 -Engineer must clarify if alley or service drive will be provided, prior to final. Alley or service drive must not be a dead end. - if service drive is proposed a plat note stating "A minimum 24 ft. private service drive will be established as part of the site plan and maintained by the lot owners and not the city of McAllen *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Applied
SETBACKS	
* Front: In accordance with the zoning ordinance or greater for easements or inline with existing structures, whichever is greater. **Zoning Ordinance: Section 138-356	Applied
* Rear: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. **Zoning Ordinance: Section 138-356	Applied
* Sides: In accordance with the zoning ordinance or greater for easements, whichever is greater applies. **Zoning Ordinance: Section 138-356	Applied
* Corner: In accordance with the zoning ordinance or greater for easements. whichever greater applies. -Add plat note as stated above. **Zoning Ordinance: Section 138-356	Non-compliance
* Garage **Zoning Ordinance: Section 138-356	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on South 16th Street, Galveston Avenue, Houston Avenue, and South 17th Street. - Add plat note as shown above, prior to final -Sidewalk requirement may increase to 5 ft. per Engineering department. **Subdivision Ordinance: Section 134-120	Non-compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Required
NOTES	
* No curb cut, access, or lot frontage permitted along - **Must comply with City Access Management Policy	TBD
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	Applied
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. - Add plat note as stated above, prior to final.	Non-compliance
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	Applied
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
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 C-3 Proposed C-3 ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee. - This does not pertain to commercial use	NA

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Park Fee of $700 per lot/dwelling unit to be paid prior to recording. -This does not pertain to commercial development.	NA
* Pending review by the Parkland Dedication Advisory Board and CC. -does not pertain to commercial development	NA
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	Required
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: *Must comply with City's Access Management Policy. - Public hearing for resubdivision is required, prior to final. - Provide centerline on all adjacent streets. - Engineer needs to clarify if any existing structures will remain to determine additional requirements as applicable, prior to final -- Engineer submitted a variance request to not dedication ROW. Variance will be heard on for P&Z 01/06/2026 and City Commission on 02/09/2026.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN REVISED PRELIMINARY FORM, SUBJECT TO THE CONDITIONS NOTED, DRAINAGE AND UTILITES APPROVAL AND CLARIFICATION TO THE VARIANCE REQUEST.	Applied

LOCATION
PROPOSED
MCALLEN O.T.
LOTS 1A & 2A
BLOCK 58
SUBDIVISION
FRESNO AVE.
GALVESTON AVE.
HOUSTON AVE.
ITHACA AVE.
JACKSON AVE.
S. 17TH ST.
S. 16TH ST.
S 16TH ST
BICENTENNIAL BLVD.
N
S
E
W
M
LOT 1
LOT 5A
LOT 6A
NELSON ADDIT
3
SOUTH McALLEN
4
ADDITION

LOCATION
MCALLEN ADDITION ALL OF BLK 58
ERIE AVE.
FRESNO AVE
GALVESTON AVE
HOUSTON AVE
ITHACA AVE.
JACKSON AVE.
JUNIPER AVE.
S BICENTENNIAL BLVD
BICENTENNIAL BLVD.
S MAIN ST
S. 17TH ST.
S. 16TH ST.
S. 15TH ST.
1515 HOUSTON LOT 1
LOT 5A
LOT 6A
SOUTH McALLEN ADDITION
NELSON ADDITION
S.T.C.C.
N
S
E
W

SUB 2026-0002

City of McAllen

Planning Department

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)

SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name LivSmart Subdivsion

Legal Description 5.0 Acres being the west 1/2 of Lot 97, McAllen Third Suburban Citrus Groves Subdivision, Hidalgo County, Texas

Location The northeast corner of S. 29th Street and Lindberg Avenue

City Address or Block Number 1001* S. 29th Street

Total No. of Lots 1 Total Dwelling Units 0 Gross Acres 5.0 Net Acres 4.2

■Public Subdivision/□Private and Gated /□Private but Not Gated within ETJ: □Yes/■No

For Fee Purposes: □Commercial (5.0 **Acres)/□ Residential (** ____ **Lots)** Replat: □Yes/■No

Existing Zoning C-3 Proposed Zoning C-3 Applied for Rezoning ■No/□Yes: Date ____

Existing Land Use Vacant Proposed Land Use Commercial

Irrigation District # 1 Water CCN: ■MPU/□Sharyland Water SC Other ____

Agricultural Exemption: □Yes/■No Parcel # 528461

Estimated Rollback Tax Due n/a Tax Dept. Review ____

Owner

Name Stay in McAllen, LLC Phone 956-772-1816

Address 7010 Padre Blvd E-mail lacopainn@gmail.com

City South Padre Island State Tx Zip 78597

Developer

Name Same as Owner Phone ____

Address ____ E-mail ____

City ____ State ____ Zip ____

Contact Person ____

Engineer

Name Spoor Engineering Consultants, Inc. Phone 956-683-1000

Address 510 S. Broadway St. E-mail sec@spooreng.com

City McAllen State Texas Zip 78501

Contact Person Steve Spoor, P.E.

Surveyor

Name Robles & Associates - Reynaldo Robles Phone 956-968-2422

Address 107 W. Huisache Street E-mail roblesandassoc@gmail.com

City Weslaco State Texas Zip 78596

RECEIVED
JAN 02 2025
By VR

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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.

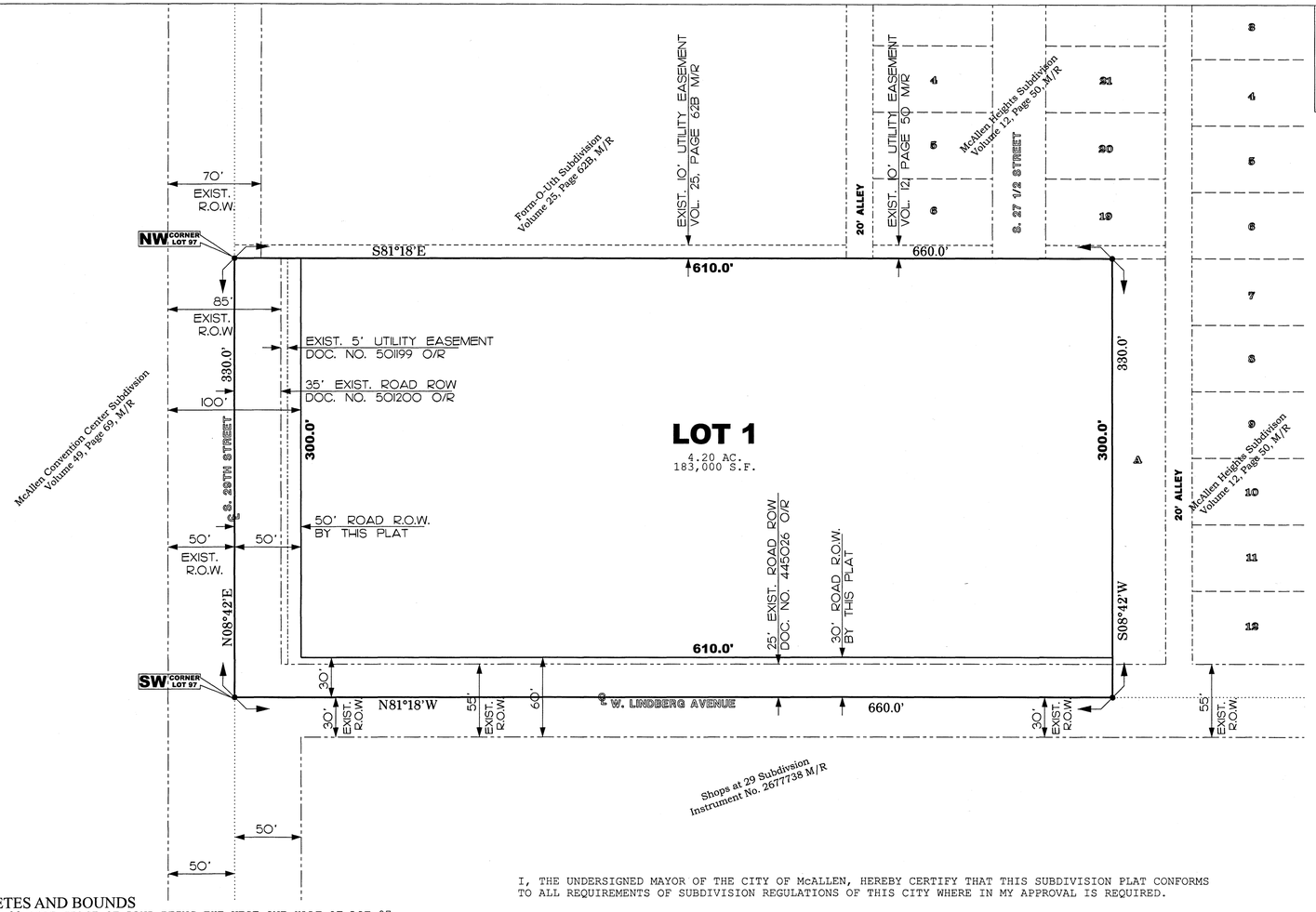
Signature S. Spoor Date 01-02-26

Print Name Steve Spoor

Owner ☐ Authorized Agent ■

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion

LOCATION
PROPOSED
LIVSMART
SUBDIVISION
158
FORM-O-UTH
SUBDIVISION
LOT "B"
S. 29TH ST.
S. 27 1/2 ST.
LINDBERG AVE.
N
W
E
S
SHOPS AT 29T
SUBDIVISION
SHOPS AT 29TH,
LOTS 2A AND 3A
7A



LIVSMART SUBDVISION

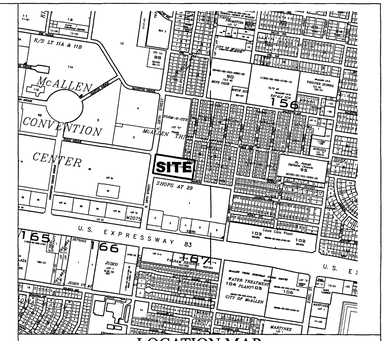
MCALLEN, TEXAS

BEING A SUBDIVISION OF A 5.0 ACRE TRACT OF LAND, BEING THE WEST ONE-HALF (W 1/2) OF LOT NINETY-SEVEN (97), MCALLEN THIRD SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 6, PAGE 2, MAP RECORDS, HIDALGO COUNTY, TEXAS

COUNTY CLERK'S RECORDING CERTIFICATE

FILED FOR RECORD IN HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY, CLERK

ON_____ AT_____ AM / PM
DOCUMENT NUMBER:_____
BY:_____ DEPUTY:_____



LOCATION MAP

Prepared by:
Spoor Engineering Consultants, Inc.
Consulting Engineers - Civil Land Planning
FIRM # F-6003
510 S. Broadway, McAllen, Texas 78501
SEC@spooreng.com (956) 683 1000

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS THE LIVSMART 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 I, WILL CAUSE TO BE INSTALL 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.

STAY IN MCALLEN, LLC,
A TEXAS LIMITED LIABILITY COMPANY

By:

7010 PADRE BOULEVARD
SOUTH PADRE ISLAND, TX 78597

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 THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS THE_____DAY OF_____, 2026.

NOTARY PUBLIC MY COMMISSION EXPIRES

METES AND BOUNDS

A 5.00 ACRE TRACT OF LAND BEING THE WEST ONE-HALF OF LOT 97, McALLEN THIRD SUBURBAN CITRUS GROVES SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 6, PAGE 2, MAP RECORDS, HIDALGO COUNTY, TEXAS, SAID 5.0 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point lying inside So. 29th Street, and at the northwest corner of Lot 97 for the northwest corner of this tract of land and the POINT OF BEGINNING;

THENCE, South 81 Deg. 18 Min. 00 Sec. East, with the North lien of said Lot 97, at 35.0 feet pass a ½ inch rod set at the East right-of-way line of So. 29th Street, recorded in Document No. 501200, Official Records, at 660.0 feet in all to a ½ inch rod found for the northwest corner of Lot "A" of the McAllen Heights Subdivision, according to map recorded in Volume 12, Page 50, Map Records, for the northeast corner of this tract;

THENCE, South 08 Deg. 42 Min. 00 Sec. West, with the West line of said Lot "A", at 305.0 feet pass a ½ inch rod found at the North right-of-way line of W. Lindberg Avenue, recorded in Document No. 445026, Official Records, at 330.0 feet in all to a point inside W. Lindberg Avenue and in the South line of said Lot 97 for the southeast corner of this tract of land;

THENCE, North 81 Deg. 18 Min. 00 Sec. West, inside W. Lindberg Avenue and with the South line of said Lot 97, a distance of 660.0 feet to point inside So. 29th Street at the southwest corner of Lot 97 for the southwest corner of this tract of land;

THENCE, North 08 Deg. 42 Min. 00 Sec. East, inside N. 29th Street and with the West line of said Lot 97, a distance of 330.0 feet to the POINT OF BEGINNING, containing 5.00 acres of land, more or less, of which 0.624 acre lies in Public Road right-of-way.

NOTES:

1. MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
   A. WEST LINDBERG AVENUE:
   B. SOUTH 12TH STREET:
   C. OTHER:

2. MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.

3. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480343 0010C, REVISED NOV. 2, 1982.

4. A 6 FT. OPAQUE BUFFER IS REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES / USES. AN 8 FT. MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES / USES.

5. A 4 FT. WIDE MINIMUM SIDEWALK IS REQUIRED ALONG So. 29TH ST. AND WEST LINDBERG AVENUE

6. BENCHMARK - STATION NAME: MC 82 SET BY ARANDA AND ASSOC. LOCATED AT N.W. CORNER OF JACKSON AVE. AND BROADWAY AVE. ELEV: 125.01 (NAVD88).

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

MAYOR, CITY OF McALLEN DATE

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 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

BY: RAUL E. SESIN, P.E., C.F.M. DATE
GENERAL MANAGER

7. OWNER IS REQUIRED TO PROVIDE AND ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF MCALLEN ENGINEERING DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMIT. MASTER DRAINAGE AND DETENTION IS ON FILE AT THE CITY ENGINEERING DEPARTMENT.

8. STORM WATER DETENTION REQUIRED IS ---- ACRE-FEET (----- C.F.) IS REQUIRED FOR THIS SUBDIVISION.

9. A 25 FT. BY 25 FT. TRIANGULAR SIGHT OBSTRUCTION EASEMENT (S.O.E.) IS REQUIRED AT ALL STREET RIGHT-OF-WAY INTERSECTIONS. (BY THIS PLAT)

10. COMMON AREAS, AND SERVICE DRIVES EASEMENTS, ETC. MUST BE MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN.

11. 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.

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 THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, 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.

SURVEYOR, RPLS# ---- DATE
COMPANY
TBPELS FIRM -----
ADDRESS

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, STEPHEN SPOOR, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

01-02-26

STATE OF TEXAS
STEPHEN SPOOR
56752
REGISTERED
PROFESSIONAL ENGINEER

REGISTERED PROFESSIONAL ENGINEER
P. E. REGISTRATION No. 56752

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/13/2026

SUBDIVISION NAME: LIVSMART SUBDIVISION

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
S. 29th Street: 50 ft. dedication for a total of 100 ft. ROW. Paving: 65 ft. Curb & gutter: Both sides --There is a existing 35 ft. ROW along S. 29th street, plat indicates 50 ft. road ROW dedicated by this plat. Please revise and clarify how much dedication will be dedicated. -Provide document numbers for existing ROW dedication and provide copy for staff review. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Non-compliance
Lindberg Ave: 30 ft. dedication for a total of 60 ft. ROW Paving: 40 ft. Curb & gutter: Both sides -There is an Existing 25 ft. ROW along Lindberg Ave, plat indicates a 30 ft. ROW being dedicated by plat. Please revise and clarify how much dedication will be dedicated. -Provide document numbers for existing ROW dedication and provide copy for staff review. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **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	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length **Subdivision Ordinance: Section 134-118	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA
ALLEYS	
ROW: 20 ft. Paving: 16 ft. -Engineer must clarify if alley or service drive will be provided, prior to final. Alley or service drive can not dead end. *Alley/service drive easement required for commercial properties **Subdivision Ordinance: Section 134-106	Non-compliance

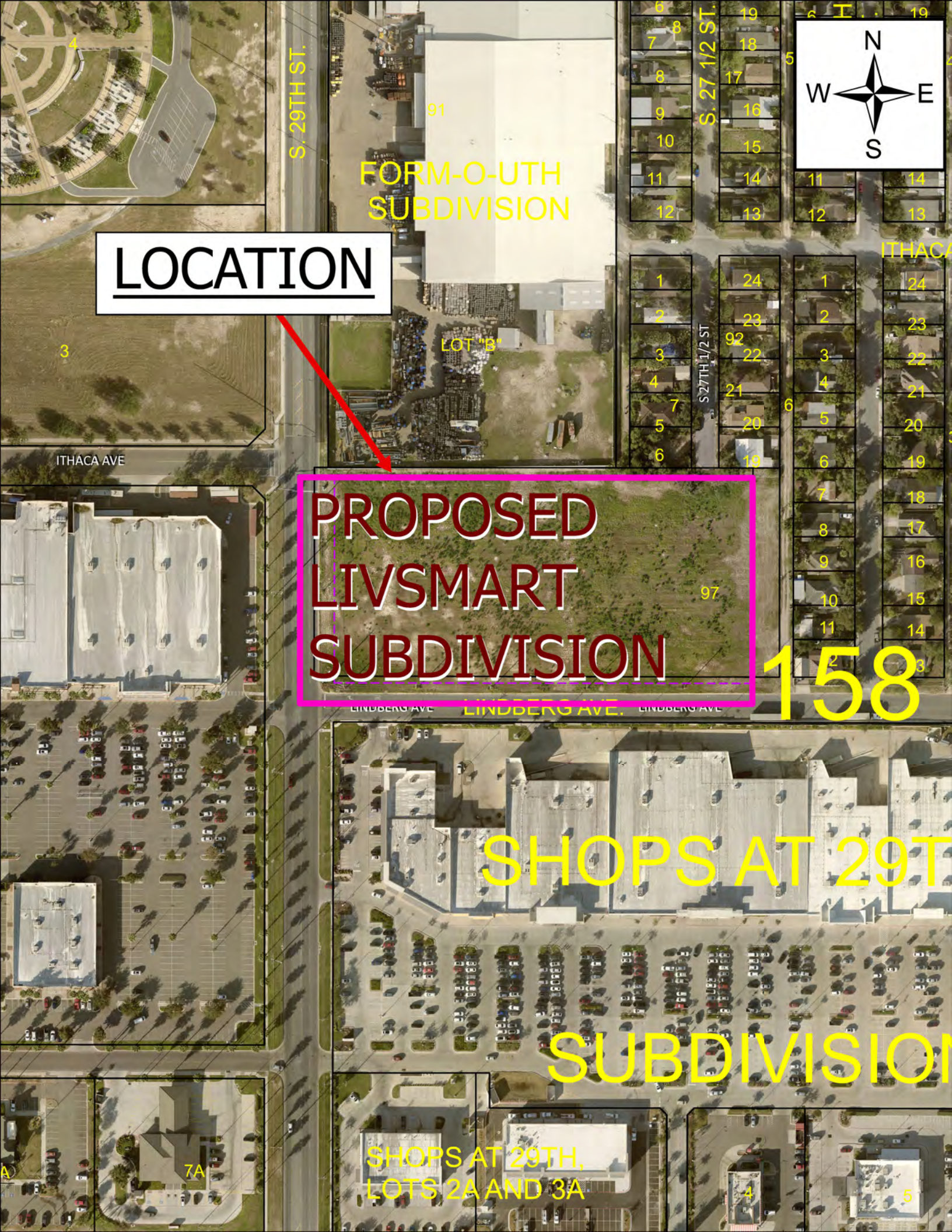
These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

SETBACKS	
* Front: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Non-compliance
* Rear: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Non-compliance
* Sides: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Non-compliance
* Corner: In accordance with the Zoning Ordinance or greater for easements **Zoning Ordinance: Section 138-356	Non-compliance
* Garage **Zoning Ordinance: Section 138-356	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on S. 29th street and Lindberg Avenue. -Please revise as shown above prior to final **Subdivision Ordinance: Section 134-120	Non-compliance
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses- must be on separate plat note **Landscaping Ordinance: Section 110-46	Non-compliance
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses- must be on separate plat note. **Landscaping Ordinance: Section 110-46	Non-compliance
*Perimeter buffers must be built at time of Subdivision Improvements.	Applied
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	Applied
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	NA
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen.	Applied
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
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: C3 Proposed:C3 ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	TBD
* Traffic Impact Analysis (TIA) required prior to final plat.	TBD
COMMENTS	
Comments: -Remove the letter "W" from Lindberg Avenue on plat. -Label the property to the east side of the property line. If owned by the City of McAllen, please label. -Alleys and streets on north side of the property must be addressed. May not dead end, Revise as needed. -There is an existing 25 ft. ROW along Lindberg Ave, plat indicates a 30 ft. ROW being dedicated by plat. Please revise and clarify how much dedication will be dedicated. -There is a existing 35 ft. ROW along S. 29th street, plat indicates 50 ft. road ROW dedicated by this plat. Please revise and clarify how much dedication will be dedicated. *Must comply with City's Access Management Policy.	Non-compliance
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN PRELIMINARY FORM, SUBJECT TO CONDITIONS NOTED, DRAINAGE AND UTILITY APPROVAL.	Applied

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review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S. 27 1/2 ST.
S 27TH 1/2 ST
ITHACA AVE
LINDBERG AVE.
158
SHOPS AT 29T
SUBDIVISION
SHOPS AT 29TH,
LOTS 2A AND 3A
N
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SUB2025-0063

City of McAllen
Planning Department
311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)
SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name Las Brisas Phase II Subdivision

Legal Description 19.604 acres, being a part or portion out of Lots 1 and 2, Block 1, Lot 6, 7 and 8, Block 5, M M and Subdivision, according to the plat thereof recorded in Volume 8, Page 20, Hidalgo County Map Records

Location South side of Monte Cristo, west of North Rooth Road. (west of Las Brisas Phase I)

City Address or Block Number 3105 Monte Cristo Rd

Total No. of Lots 105 Total Dwelling Units 102 Gross Acres 19.604 Net Acres 19.604

[X] Public Subdivision/[ ] Private and Gated /[ ] Private but Not Gated within ETJ: [ ] Yes/[X] No

For Fee Purposes: [ ] **Commercial (** ____ **Acres)/**[ ] **Residential (** 105 **Lots)** Replat: [ ] Yes/[X] No

Existing Zoning R-1 Proposed Zoning R-1 Applied for Rezoning [X] No/[ ] Yes: Date ____

Existing Land Use Vacant Proposed Land Use Residential

Irrigation District # HCID #1 Water CCN: [X] MPU/[ ] Sharyland Water SC Other ____

Agricultural Exemption: [ ] Yes/[ ] No Parcel # 224742

Estimated Rollback Tax Due 7,911.77 Tax Dept. Review VPG

Owner

Name ML Rhodes LLC Phone 956-287-2800

Address 200 S. 10th St Suite 170 E-mail bfrisby@rhodes.com

City McAllen State TX Zip 78501

Developer

Name Rhodes Development Inc Phone 956-287-2800

Address 200 S. 10th St. Suite 170 E-mail bfrisby@rhodes.com

City McAllen State TX Zip 78501

Contact Person Brad Frisby , VP

Engineer

Name Melden & Hunt, Inc. Phone (956) 381-0981

Address 115 West McIntyre Street E-mail mario@meldenandhunt.com, beto@meldenandhunt.com and drobles@meldenandhunt.com

City Edinburg State Texas Zip 78541

Contact Person Mario A. Reyna, P.E., Beto De La Garza, and Della Robles

Surveyor

Name Melden & Hunt, Inc. Phone (956) 381-0981

Address 115 West McIntyre Street E-mail robert@meldenandhunt.com

City Edinburg State Texas Zip 78541

APR 09 2025

BY: CP

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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)

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Owner(s) Signature(s)

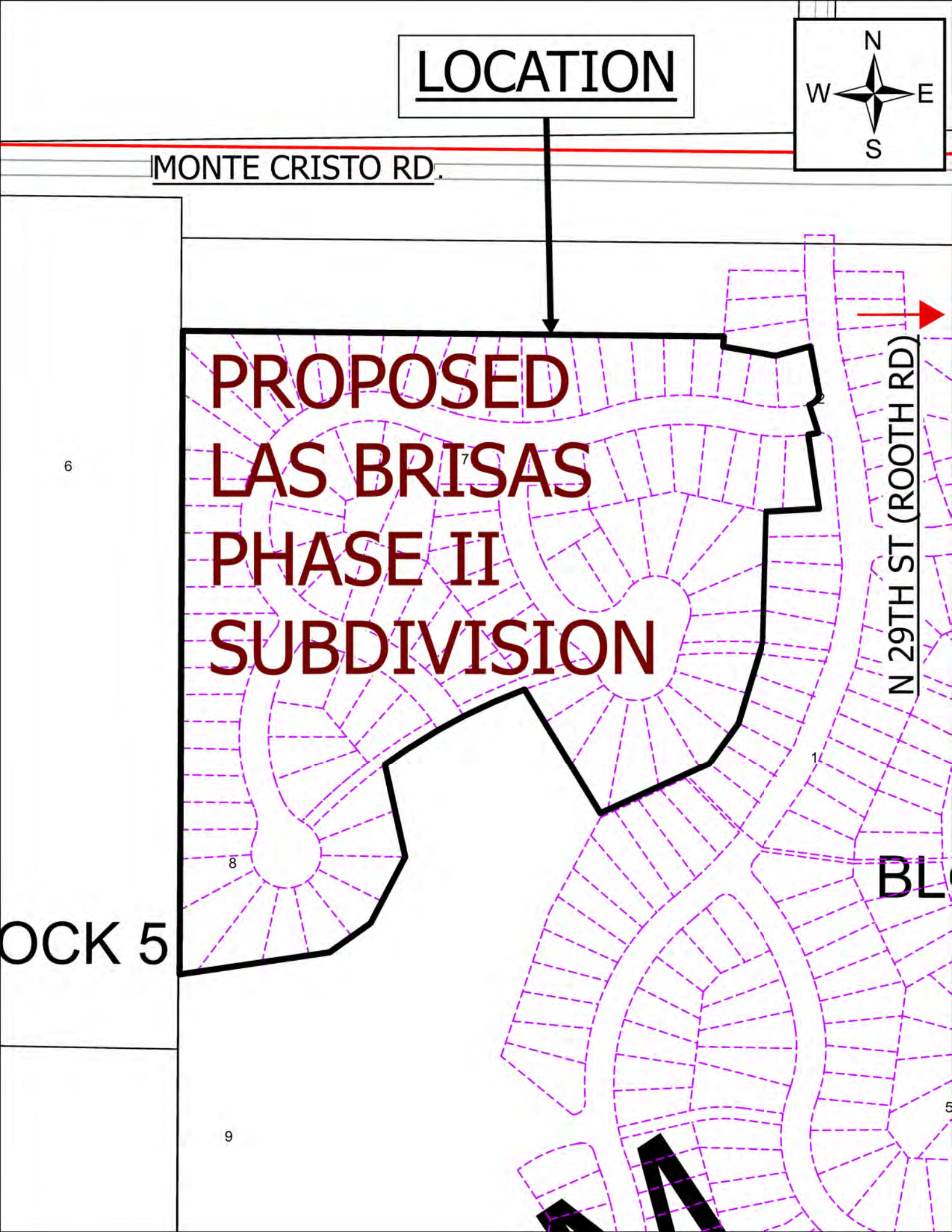
I certify that I am the actual owner of the property described above and (include corporate name if applicable); or I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature _____ Date 4/4/2025

Print Name Mario A. Reyna, P.E.

Owner ☐ Authorized Agent ☒

The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion


LOCATION
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MONTE CRISTO RD.
PROPOSED
LAS BRISAS
PHASE II
SUBDIVISION
N 29TH ST (ROOTH RD)
6
7
8
9
1
2
5
OCK 5
BL

METES AND BOUNDS DESCRIPTION

A TRACT OF LAND CONTAINING 19.604 ACRES SITUATED IN THE COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOTS 1 AND 2, BLOCK 1, LOTS 6, 7 AND 8, BLOCK 5, M AND M SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8, PAGE 20, HIDALGO COUNTY MAP RECORDS, SAID 19.604 ACRES BEING OUT OF A CERTAIN TRACT CONVEYED TO M.L. RHODES, LTD, BY VIRTUE OF A SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 2770269, HIDALGO COUNTY OFFICIAL RECORDS, SAID 19.604 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NAIL SET ON THE SOUTHEAST CORNER OF LOT 5, OF SAID BLOCK 1;

THENCE, N 80° 34' 50" W ALONG THE SOUTH LINE OF SAID LOT 5, BLOCK 1, A DISTANCE OF 2,103.81 FEET TO A NO. 4 REBAR SET, FROM WHICH A NO. 4 REBAR FOUND AT THE NORTHEAST INTERSECTION OF TWO COUNTY ROADS BEARS S 80° 34' 50" E A DISTANCE OF 797.95 FEET AND N 09° 25' 10" E A DISTANCE OF 20.00 FEET;

THENCE, N 08° 40' 10" E A DISTANCE OF 598.16 FEET TO A NO. 4 REBAR SET FOR THE SOUTHWEST CORNER AND THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

1. THENCE, N 08° 40' 10" E A DISTANCE OF 1,102.02 FEET TO A NO. 4 REBAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;
2. THENCE, S 81° 01' 04" E A DISTANCE OF 925.46 FEET TO A NO. 4 REBAR SET FOR THE WESTERNMOST NORTHEAST CORNER OF THIS TRACT;
3. THENCE, S 13° 06' 02" W A DISTANCE OF 17.36 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
4. THENCE, S 71° 53' 58" E A DISTANCE OF 92.78 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
5. THENCE, N 83° 06' 02" E A DISTANCE OF 61.27 FEET TO A NO. 4 REBAR SET FOR THE EASTERNMOST NORTHEAST CORNER OF THIS TRACT;
6. THENCE, IN A SOUTHEASTERLY DIRECTION, ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 04° 47' 34", A RADIUS OF 925.00 FEET, AN ARC LENGTH OF 77.38 FEET, A TANGENT OF 38.71 FEET, AND A CHORD THAT BEARS S 02° 15' 12" E A DISTANCE OF 77.35 FEET TO A NO. 4 REBAR SET FOR AN ANGLE POINT OF THIS TRACT;
7. THENCE, IN A SOUTHWESTERLY DIRECTION, ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 93° 18' 52", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 32.57 FEET, A TANGENT OF 21.19 FEET, AND A CHORD THAT BEARS S 42° 00' 28" W A DISTANCE OF 29.09 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
8. THENCE, S 09° 04' 48" E A DISTANCE OF 50.39 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
9. THENCE, IN A SOUTHWESTERLY DIRECTION, ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 93° 02' 37", A RADIUS OF 325.00 FEET, AN ARC LENGTH OF 17.26 FEET, A TANGENT OF 8.63 FEET, AND A CHORD THAT BEARS S 88° 59' 22" W A DISTANCE OF 17.26 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
10. THENCE, S 00° 06' 02" W A DISTANCE OF 128.01 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
11. THENCE, N 84° 53' 58" W A DISTANCE OF 91.29 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
12. THENCE, S 09° 53' 15" W A DISTANCE OF 223.74 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
13. THENCE, S 25° 06' 02" W A DISTANCE OF 144.95 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
14. THENCE, S 45° 06' 02" W A DISTANCE OF 85.80 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
15. THENCE, S 73° 35' 55" W A DISTANCE OF 203.89 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
16. THENCE, N 23° 00' 00" W A DISTANCE OF 248.95 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
17. THENCE, IN A SOUTHWESTERLY DIRECTION, ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 15° 46' 18", A RADIUS OF 989.20 FEET, AN ARC LENGTH OF 272.30 FEET, A TANGENT OF 137.01 FEET, AND A CHORD THAT BEARS S 70° 02' 44" W A DISTANCE OF 271.44 FEET TO A NO. 4 REBAR SET FOR AN INSIDE CORNER OF THIS TRACT;
18. THENCE, S 04° 00' 00" E A DISTANCE OF 162.41 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
19. THENCE, S 36° 00' 00" W A DISTANCE OF 127.62 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
20. THENCE, S 63° 00' 00" W A DISTANCE OF 86.21 FEET TO A NO. 4 REBAR SET FOR AN OUTSIDE CORNER OF THIS TRACT;
21. THENCE, N 90° 00' 00" W A DISTANCE OF 259.23 FEET THE POINT OF BEGINNING AND CONTAINING 19.604 ACRES OF LAND, MORE OR LESS.

GENERAL NOTES :

1. THIS SUBDIVISION IS LOCATED IN ZONE "X" UNSHADED ON FEMA'S FLOOD INSURANCE RATE MAP. AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN. COMMUNITY PANEL NUMBER 480334 0325 D, MAP REVISED: JUNE 06, 2000;
2. MINIMUM FINISH FLOOR NOTE : MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT CENTER OF LOT.
3. MINIMUM SETBACKS SHALL BE :
   FRONT : 20 FEET MINIMUM OR GREATER FOR EASEMENTS.
   REAR : 11 FEET, OR GREATER FOR EASEMENTS.
   INTERIOR SIDES : 5 FEET, OR GREATER FOR EASEMENTS, AS PER AGREEMENT.
   CORNER : 10 FEET OR GREATER FOR EASEMENTS.
   GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED;GREATER SETBACK APPLIES.
4. REQUIRED DETENTION FOR STORM SEWER RUNOFF PER THE APPROVED MASTER DRAINAGE REPORT SHALL BE 796.520 C.F. (18.286 AC.-FT.) AND 97,390 C.F. (2.236 AC.-FT.) FOR PHASE II BASED ON 0.1114 AC.FT. PER AC.). STORM WATER RUNOFF GENERATED PER THE APPROVED MASTER SHALL BE 181.15 C.F.S. AND 64.14 C.F.S. FOR PHASE II. STORM WATER RUNOFF GENERATED FROM DEVELOPMENT SHALL BE DETAINED OFF-SITE IN THE ADJACENT DRAIN DITCHES. DESIGN OF THESE DRAIN DITCHES IS REFERENCED IN THE MASTER DRAINAGE STUDY.
5. AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT SHALL BE SUBMITTED AND APPROVED BY CITY OF McALLEN PRIOR TO ISSUANCE OF BUILDING PERMIT.
6. CITY OF McALLEN BENCHMARK: NUMBER MC24, TOP OF 30" ALUMINUM PIPE WITH A 3-14" BRASS MONUMENT CAP TOP LOCATED AT NORTHWEST CORNER OF THE INTERSECTION OF ROOTH ROAD AND FM 1925, GEODETIC G.P.S. TEXAS STATE PLANE GRID COORDINATE SYSTEM, NAD 83 TEXAS SOUTH 4205 ELEVATION PER NAVD 88 (GEOID 2003) N=16652113.3155, 1072415.84758, ELEV.=118.08
7. NO BUILDING ALLOWED OVER ANY EASEMENT.
8. 6' OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
9. 8' MASONRY WALL WILL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONES/ USES.
10. PRIVATE TECHNOLOGY EASEMENT. OWNER RESERVES UNTO RHODES DEVELOPMENT INC A TECHNOLOGY EASEMENT OVER THE PROPERTY IN THE LOCATION IDENTIFIED ON THIS PLAT (THE "TECHNOLOGY EASEMENT"). THE TECHNOLOGY EASEMENT SHALL BE AN EXCLUSIVE EASEMENT FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPLACING AND UPGRADING ANY AND ALL CABLE, FIBER, OR OTHER ANY TRANSPORT MEDIA REASONABLY NECESSARY FOR PROVIDING TECHNOLOGY SERVICES, INCLUDING BUT NOT LIMITED TO INTERNET, CABLE, SECURITY, AND RELATED SERVICES, TO THE LOTS CREATED BY THIS PLAT.
11. TERMS AND CONDITIONS AND RESERVATION OF TECHNOLOGY EASEMENTS DATED AUGUST 13, 2015, FILED NOVEMBER 25, 2015, BETWEEN HIDALGO COUNTY TEXAS CORPORATION, INC., TO M.L. RHODES LTD. A TEXAS LIMITED PARTNERSHIP RECORDED UNDER CLERK'S FILE NO. 2665226, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS. EASEMENT PROPERTY DESCRIBED IN SAID DOCUMENT IS INCOMPLETE. EASEMENT PERTAINS TO AND IS FOR THE BENEFIT OF THE OWNER/RESERVIST. NO WIDTH SPECIFIED FOR EASEMENT. THE ACTUAL EASEMENT BOUNDARY IS NOT DESCRIBED, BUT IS WITHIN THE EASEMENT PROPERTY WHICH IS INCOMPLETE. EASEMENT MAY BE REVOKED OR AMENDED BY OWNER/ RESERVER AND IS EXCLUSIVE.
12. DEVELOPER / TRES LAGOS (PID) PUBLIC IMPROVEMENT DISTRICT / OWNER/HOA, 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.
13. A 25 FOOT x 25 FOOT SIGHT OBSTRUCTION EASEMENT REQUIRED AT ALL STREET INTERSECTIONS.
14. CITY OF McALLEN ACTING BY AND THROUGH THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT (PID) DEDICATES A WALL EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, REMOVAL, REPLACEMENT, AND OPERATION OF MASONRY WALLS PROVIDING ACCESS CONTROL AND SOUND BUFFERING WITHIN THE PID.
15. 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ON MONTE CRISTO ROAD. INTERIOR SIDEWALKS SHALL BE INSTALLED AT BUILDING PERMIT STAGE AS PER SIDEWALK PLAN FILED WITH THE CITY BY REGISTERED ENGINEER DESIGNING THE UNIT OF DEVELOPMENT, PER AGREEMENT.
16. NOTE FOR MAINTENANCE UNDER SECTION 110-72 & 134-168 CITY OF MCALLEN CODE OF ORDINANCES:

    THE CITY OF MCALLEN SHALL ONLY BE RESPONSIBLE FOR MAINTAINING THOSE IMPROVEMENTS WHICH HAVE BEEN SPECIFICALLY DEDICATED TO AND ACCEPTED BY THE CITY FOR MAINTENANCE. SUCH MAINTENANCE SHALL BE PERFORMED BY AND BE THE SOLE RESPONSIBILITY OF THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT FOR THOSE IMPROVEMENTS OR RIGHT OF WAYS DEDICATED TO THE CITY ACTING BY AND THROUGH SUCH DISTRICT. PURSUANT TO SECTION 110-72 OF THE CITY OF MCALLEN CODE OF ORDINANCES MAINTENANCE OF AREAS WHICH HAVE NOT BEEN DEDICATED TO AND ACCEPTED FOR MAINTENANCE BY THE CITY SUCH AS UNDEDICATED COMMON AREAS, AREAS NOT INCLUDED IN SPECIFIC LOTS, AND THOSE AREAS ADJACENT TO THE SUBDIVISION AND THAT ARE UNIMPROVED AND LIE BETWEEN THE SUBDIVISION AND ADJACENT PAVED PUBLIC STREETS (THE "UNDEDICATED COMMON AREAS") SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR LAS BRISAS PHASE II SUBDIVISION, RECORDED AS DOCUMENT NUMBER _____, AND THE MASTER DECLARATION OF COVENANTS AND CONDITIONS FOR TRES LAGOS RESIDENTIAL DEVELOPMENT RECORDED AS DOCUMENT NUMBER 2821589, HIDALGO COUNTY, DEED RECORDS (COLLECTIVELY THE "DECLARATIONS"). PURSUANT TO SECTION 134-168 OF THE CITY OF MCALLEN CODE OF ORDINANCES MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE STREET LIGHTING, PRIVATE TRAFFIC CONTROL DEVICES AND PRIVATE SIDEWALKS AND PRIVATE COMMON AREAS OF THE SUBDIVISION WHICH HAVE NOT BEEN DEDICATED TO AND ACCEPTED FOR MAINTENANCE BY THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT (THE "PRIVATE COMMON AREAS") SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER/DEVELOPER/OWNER OR THE HOMEOWNER'S ASSOCIATION PURSUANT TO THE REQUIREMENTS OF SECTION 134-168, AS APPLICABLE. THE CITY OF MCALLEN SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF SAID UNDEDICATED COMMON AREAS OR PRIVATE COMMON AREAS. ANY AMENDMENT TO THE DECLARATIONS THAT CONFLICTS WITH THE REQUIREMENTS OF SAID SECTION 110-72 OR SECTION 134-168 SHALL BE NULL AND VOID.
17. ALL INTERIOR LOT CORNERS WILL HAVE A NO.4 REBAR SET WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC.
18. ALL SHARYLAND WATER SUPPLY CORPORATION EASEMENTS ARE EXCLUSIVE. NO OTHER USE OF THE EASEMENTS IS PERMITTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF SHARYLAND WATER SUPPLY CORPORATION.
19. NO CURB CUT, ACCESS , OR LOT FRONTAGE PERMITTED ALONG MONTE CRISTO ROAD
20. COMMON AREAS, ETC. MUST BE MAINTAINED BY THE LOT OWNERS / PID AND NOT THE CITY OF McALLEN.
21. PUBLIC IMPROVEMENT DISTRICT (PID) OR HOMEOWNER'S ASSOCIATION COVENANTS MUST BE RECORDED AND SUBMITTED WITH DOCUMENT NUMBER ON THE PLAT, PRIOR TO RECORDING.
22. COMMON AREAS C.A. "E", C.A. "F", C.A. "G", & C.A. "H" WILL BE MAINTAINED BY LOT OWNERS/ HOA/PID AND NOT THE CITY OF MCALLEN.
23. COMMON AREAS E, F, G, WILL BE USED AS EMERGENCY ACCESS FOR FIRE DEPARTMENT AND EMERGENCY SERVICES. THESE COMMON AREAS WILL BE MAINTAINED BY THE LOT OWNERS / HOA/PID AND NOT CITY OF McALLEN.

SUBDIVISION MAP OF

LAS BRISAS SUBDIVISION PHASE II

19.604 ACRES OUT OF LOTS 1 AND 2, BLOCK 1, LOTS 6, 7 AND 8, BLOCK 5, M AND M SUBDIVISION VOLUME 8, PAGE 20, H.C.M.R. CITY OF McALLEN, HIDALGO COUNTY, TEXAS

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 AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO.1

_____ _____
RAUL E. SESIN, P.E., C.F.M. DATE
GENERAL MANAGER

I, CARLOS LIMA, HEREBY CONDITIONALLY CERTIFY THAT POTABLE WATER SERVICE IS AVAILABLE FOR THE LAS BRISAS PHASE I SUBDIVISION LOCATED AT CITY OF 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 DATE
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION NO. 1
ON THIS THE ____ DAY OF _____ 20____.
HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON THE HCID#1 RIGHT-OF-WAYS OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HCID#1.

_____ _____
PRESIDENT SECRETARY

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.

_____ _____
MAYOR, CITY OF McALLEN DATE

_____ _____
ATTESTED BY: CITY SECRETARY DATE

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/WE, THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS LAS BRISAS PHASE II 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, SANITARY SEWER LINES, STORM SEWERS, FIRE HYDRANTS, PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN AND 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 HEREON OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

HDP BRISAS, LLC
A DELAWARE LIMITED LIABILITY COMPANY
BY: HDP BLUE INVESTMENTS II LLC,
A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGING MEMBER
BY: HDP BLUE HOLDING II LLC,
A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER
BY: GRASS LAKE CAPITAL LLC,
A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER

_____ _____
NICK RHODES, AUTHORIZED AGENT DATE:
200 S. 10TH ST., STE. 1700
McALLEN, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NICK RHODES 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 GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ 20_____.

_____
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES:

TRES LAGOS PUBLIC IMPROVEMENT DISTRICT HEREBY CERTIFIES AND APPROVES THIS PLAT AND ACCEPTS RESPONSIBILITIES AND NOTES INDICATED HEREIN.

_____
NICK RHODES
CHAIRMAN OF PUBLIC IMPROVEMENT DISTRICT
200 S. 10TH ST., STE. 1700
McALLEN, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NICK RHODES, 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 GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____ 20_____.

_____
NOTARY PUBLIC, HIDALGO COUNTY, 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, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

DATED THIS THE_____DAY OF_____20___.

MELDEN & HUNT, INC.
TEXAS REGISTRATION F-1435

MARIO A. REYNA, LICENSED PROFESSIONAL ENGINEER No. 117368
STATE OF TEXAS
DATE PREPARED: 03/28/2025
DATE REVISED:_____
ENGINEERING JOB #25039

STATE OF TEXAS
COUNTY OF HIDALGO

I, ROBERTO N. TAMEZ, 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, 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 MISSION, TEXAS.

DATED THIS THE_____DAY OF_____20__.

ROBERTO N. TAMEZ, REGISTERED PROFESSIONAL LAND SURVEYOR No. 6238
STATE OF TEXAS

DATE SURVEYED: 05/10/2024
SURVEY JOB # 24524 PH04

DRAWN BY: A.G.P. DATE 04/04/2025
REVISED BY: A.G.P. DATE 11/13/2025
SURVEYED, CHECKED: _____ DATE _____
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

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

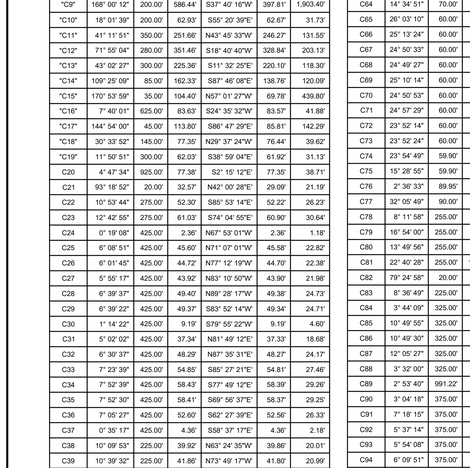
Y:\Land Development\Residential\McAllen\25039 - Rhodes - Las Brisas Ph 2\Autocad files\25039 Brisas2 Plat.dwg, Las Brisas Phll Plat 1, 11/13/2025 5:21:59 PM

Curve Table						
Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent
"C1"	4° 47' 34"	925.00'	77.38'	S2° 15' 12"E	77.35'	38.71'
"C2"	93° 18' 52"	20.00'	32.57'	S42° 00' 28"W	29.09'	21.19'
"C3"	3° 02' 37"	325.00'	17.26'	S88° 59' 22"W	17.26'	8.63'
"C4"	15° 46' 58"	989.20'	272.30'	S70° 02' 44"W	271.44'	137.01'
"C5"	24° 15' 35"	300.00'	127.02'	S79° 51' 15"E	126.08'	64.48'
"C6"	32° 58' 36"	400.00'	230.22'	N84° 12' 46"W	227.06'	118.40'
"C7"	20° 40' 24"	450.00'	162.37'	N89° 38' 36"E	161.49'	82.08'
"C8"	21° 41' 34"	450.00'	170.37'	S69° 10' 25"E	169.36'	86.22'
"C9"	168° 00' 12"	200.00'	586.44'	S37° 40' 16"W	397.81'	1,903.40'
"C10"	18° 01' 39"	200.00'	62.93'	S55° 20' 39"E	62.67'	31.73'
"C11"	41° 11' 51"	350.00'	251.66'	N43° 45' 33"W	246.27'	131.55'
"C12"	71° 55' 04"	280.00'	351.46'	S18° 40' 40"W	328.84'	203.13'
"C13"	43° 02' 27"	300.00'	225.36'	S11° 32' 25"E	220.10'	118.30'
"C14"	109° 25' 09"	85.00'	162.33'	S87° 46' 08"E	138.76'	120.09'
"C15"	170° 53' 59"	35.00'	104.40'	N57° 01' 27"W	69.78'	439.80'
"C16"	7° 40' 01"	625.00'	83.63'	S24° 55' 32"W	83.57'	41.88'
"C17"	144° 54' 00"	45.00'	113.80'	S86° 47' 29"E	85.81'	142.29'
"C18"	30° 33' 52"	145.00'	77.35'	N29° 37' 24"W	76.44'	39.62'
"C19"	11° 50' 51"	300.00'	62.03'	S38° 59' 04"E	61.92'	31.13'
C20	4° 47' 34"	925.00'	77.38'	S2° 15' 12"E	77.35'	38.71'
C21	93° 18' 52"	20.00'	32.57'	N42° 00' 28"E	29.09'	21.19'
C22	10° 53' 44"	275.00'	52.30'	S85° 53' 14"E	52.22'	26.23'
C23	12° 42' 55"	275.00'	61.03'	S74° 04' 55"E	60.90'	30.64'
C24	0° 19' 08"	425.00'	2.36'	N67° 53' 01"W	2.36'	1.18'
C25	6° 08' 51"	425.00'	45.60'	N71° 07' 01"W	45.58'	22.82'
C26	6° 01' 45"	425.00'	44.72'	N77° 12' 19"W	44.70'	22.38'
C27	5° 55' 17"	425.00'	43.92'	N83° 10' 50"W	43.90'	21.98'
C28	6° 39' 37"	425.00'	49.40'	N89° 28' 17"W	49.38'	24.73'
C29	6° 39' 22"	425.00'	49.37'	S83° 52' 14"W	49.34'	24.71'
C30	1° 14' 22"	425.00'	9.19'	S79° 55' 22"W	9.19'	4.60'
C31	5° 02' 02"	425.00'	37.34'	N81° 49' 12"E	37.33'	18.68'
C32	6° 30' 37"	425.00'	48.29'	N87° 35' 31"E	48.27'	24.17'
C33	7° 23' 39"	425.00'	54.85'	S85° 27' 21"E	54.81'	27.46'
C34	7° 52' 39"	425.00'	58.43'	S77° 49' 12"E	58.39'	29.26'
C35	7° 52' 30"	425.00'	58.41'	S69° 56' 37"E	58.37'	29.25'
C36	7° 05' 27"	425.00'	52.60'	S62° 27' 39"E	52.56'	26.33'
C37	0° 35' 17"	425.00'	4.36'	S58° 37' 17"E	4.36'	2.18'
C38	10° 09' 53"	225.00'	39.92'	N63° 24' 35"W	39.86'	20.01'
C39	10° 39' 32"	225.00'	41.86'	N73° 49' 17"W	41.80'	20.99'
C40	12° 16' 53"	225.00'	48.23'	N85° 17' 30"W	48.14'	24.21'
C41	12° 09' 35"	225.00'	47.75'	S82° 29' 16"W	47.66'	23.97'
C42	9° 35' 31"	225.00'	37.67'	S71° 36' 43"W	37.62'	18.88'
C43	7° 41' 43"	225.00'	30.22'	S62° 58' 06"W	30.20'	15.13'
C44	7° 38' 28"	225.00'	30.01'	S55° 18' 01"W	29.98'	15.03'
C45	8° 49' 51"	225.00'	34.68'	S47° 03' 52"W	34.64'	17.37'
C46	7° 38' 56"	225.00'	30.04'	S38° 49' 28"W	30.02'	15.04'
C47	7° 14' 09"	225.00'	28.41'	S31° 22' 56"W	28.40'	14.23'
C48	12° 01' 55"	225.00'	47.25'	S21° 44' 54"W	47.16'	23.71'
C49	11° 40' 36"	225.00'	45.85'	S9° 53' 38"W	45.77'	23.01'
C50	11° 51' 05"	225.00'	46.54'	S1° 52' 12"E	46.46'	23.35'
C51	12° 40' 17"	225.00'	49.76'	S14° 07' 52"E	49.66'	24.98'
C52	14° 06' 36"	225.00'	55.41'	S27° 31' 19"E	55.27'	27.85'
C53	3° 50' 19"	20.00'	1.34'	N32° 39' 27"W	1.34'	0.67'
C54	75° 34' 40"	20.00'	26.38'	N7° 03' 02"E	24.51'	15.51'
C55	3° 41' 12"	305.00'	19.62'	S42° 59' 46"W	19.62'	9.82'

Curve Table						
Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent
C56	9° 49' 16"	305.00'	52.28'	S36° 14' 32"W	52.22'	26.20'
C57	9° 08' 10"	305.00'	48.63'	S26° 45' 49"W	48.58'	24.37'
C58	9° 03' 38"	305.00'	48.23'	S17° 39' 56"W	48.18'	24.17'
C59	8° 56' 02"	305.00'	47.56'	S8° 40' 06"W	47.51'	23.83'
C60	8° 44' 03"	305.00'	46.49'	S0° 09' 57"E	46.45'	23.29'
C61	9° 02' 35"	305.00'	48.14'	S9° 03' 16"E	48.09'	24.12'
C62	1° 24' 47"	305.00'	7.52'	S14° 16' 57"E	7.52'	3.76'
C63	31° 55' 32"	70.00'	39.00'	N0° 58' 25"E	38.50'	20.02'
C64	14° 34' 51"	70.00'	17.81'	N24° 13' 36"E	17.77'	8.96'
C65	26° 03' 10"	60.00'	27.28'	S18° 29' 27"W	27.05'	13.88'
C66	25° 13' 24"	60.00'	26.41'	S7° 08' 50"E	26.20'	13.42'
C67	24° 50' 33"	60.00'	26.01'	S32° 10' 49"E	25.81'	13.22'
C68	24° 49' 27"	60.00'	26.00'	S57° 00' 49"E	25.79'	13.21'
C69	25° 10' 14"	60.00'	26.36'	S82° 00' 39"E	26.15'	13.40'
C70	24° 50' 53"	60.00'	26.02'	N72° 58' 47"E	25.82'	13.22'
C71	24° 57' 29"	60.00'	26.14'	N48° 04' 37"E	25.93'	13.28'
C72	23° 52' 14"	60.00'	25.00'	N23° 39' 46"E	24.82'	12.68'
C73	23° 52' 24"	60.00'	25.00'	N0° 12' 33"W	24.82'	12.68'
C74	23° 54' 49"	59.90'	25.00'	N24° 04' 54"W	24.82'	12.68'
C75	15° 28' 55"	59.90'	16.19'	N43° 46' 45"W	16.14'	8.14'
C76	2° 36' 33"	89.95'	4.10'	S50° 02' 21"E	4.10'	2.05'
C77	32° 05' 49"	90.00'	50.42'	S32° 48' 55"E	49.76'	25.89'
C78	8° 11' 58"	255.00'	36.49'	S12° 40' 02"E	36.46'	18.28'
C79	16° 54' 00"	255.00'	75.21'	S0° 07' 03"E	74.94'	37.88'
C80	13° 49' 56"	255.00'	61.56'	S15° 14' 55"W	61.41'	30.93'
C81	22° 40' 28"	255.00'	100.91'	S33° 30' 08"W	100.26'	51.13'
C82	79° 24' 58"	20.00'	27.72'	S84° 32' 51"W	25.56'	16.61'
C83	8° 36' 49"	225.00'	33.83'	S60° 03' 04"E	33.79'	16.94'
C84	3° 44' 09"	325.00'	21.19'	N62° 29' 24"W	21.19'	10.60'
C85	10° 49' 55"	325.00'	61.44'	N55° 12' 22"W	61.35'	30.81'
C86	10° 49' 30"	325.00'	61.40'	N44° 22' 39"W	61.31'	30.79'
C87	12° 05' 27"	325.00'	68.58'	N32° 55' 11"W	68.46'	34.42'
C88	3° 32' 00"	325.00'	20.04'	N25° 06' 32"W	20.04'	10.02'
C89	2° 53' 40"	991.22'	50.07'	S69° 54' 27"W	50.07'	25.04'
C90	3° 04' 18"	375.00'	20.10'	N24° 26' 36"W	20.10'	10.05'
C91	7° 18' 15"	375.00'	47.81'	N29° 37' 52"W	47.77'	23.94'
C92	5° 37' 14"	375.00'	36.79'	N36° 05' 36"W	36.77'	18.41'
C93	5° 54' 08"	375.00'	38.63'	N41° 51' 17"W	38.61'	19.33'
C94	6° 09' 51"	375.00'	40.34'	N47° 53' 16"W	40.32'	20.19'
C95	6° 28' 48"	375.00'	42.41'	N54° 12' 35"W	42.39'	21.23'
C96	6° 54' 14"	375.00'	45.19'	N60° 54' 07"W	45.16'	22.62'
C97	27° 20' 11"	175.00'	83.49'	S50° 41' 24"E	82.70'	42.56'
C98	28° 30' 55"	175.00'	87.09'	S22° 45' 51"E	86.20'	44.47'
C99	28° 31' 00"	175.00'	87.10'	S5° 45' 06"W	86.20'	44.47'
C100	28° 30' 51"	175.00'	87.09'	S34° 16' 02"W	86.20'	44.47'
C101	28° 30' 30"	175.00'	87.07'	S62° 46' 43"W	86.18'	44.46'
C102	28° 57' 57"	175.00'	88.47'	N88° 29' 03"W	87.53'	45.20'
C103	15° 40' 27"	175.00'	47.87'	N66° 09' 52"W	47.72'	24.09'
C104	2° 28' 36"	475.00'	20.53'	S59° 33' 56"E	20.53'	10.27'
C105	4° 26' 50"	475.00'	36.87'	S63° 01' 39"E	36.86'	18.44'
C106	9° 33' 10"	475.00'	79.20'	S70° 01' 40"E	79.10'	39.69'
C107	84° 47' 03"	20.00'	29.60'	N32° 24' 43"W	26.97'	18.26'
C108	6° 28' 12"	325.00'	36.70'	S6° 44' 42"W	36.68'	18.37'
C109	7° 41' 46"	325.00'	43.66'	S0° 20' 17"E	43.62'	21.86'
C110	7° 31' 08"	325.00'	42.65'	S7° 56' 44"E	42.62'	21.36'

Curve Table						
Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent
C111	7° 34' 10"	325.00'	42.94'	S15° 29' 23"E	42.90'	21.50'
C112	7° 43' 20"	325.00'	43.80'	S23° 08' 07"E	43.77'	21.93'
C113	8° 13' 28"	325.00'	46.65'	S31° 06' 32"E	46.61'	23.37'
C114	9° 41' 04"	325.00'	54.93'	S40° 03' 48"E	54.87'	27.53'
C115	14° 07' 43"	120.00'	29.59'	N37° 50' 29"W	29.52'	14.87'
C116	10° 13' 43"	120.00'	21.42'	N25° 39' 46"W	21.39'	10.74'
C117	6° 12' 26"	120.00'	13.00'	N17° 26' 41"W	12.99'	6.51'
C118	16° 02' 15"	70.00'	19.59'	S22° 21' 36"E	19.53'	9.86'
C119	20° 27' 45"	70.00'	25.00'	S40° 36' 36"E	24.87'	12.63'
C120	20° 27' 46"	70.00'	25.00'	S61° 04' 22"E	24.87'	12.63'
C121	20° 27' 46"	70.00'	25.00'	S81° 32' 08"E	24.87'	12.63'
C122	20° 51' 47"	70.00'	25.49'	N77° 48' 06"E	25.35'	12.89'
C123	20° 39' 55"	70.00'	25.25'	N57° 02' 14"E	25.11'	12.76'
C124	21° 38' 18"	70.00'	26.44'	N35° 53' 08"E	26.28'	13.38'
C125	4° 18' 28"	70.00'	5.26'	N22° 54' 45"E	5.26'	2.63'
C126	2° 12' 20"	600.00'	23.10'	S21° 51' 41"W	23.10'	11.55'
C127	2° 02' 04"	600.00'	21.31'	S23° 58' 53"W	21.30'	10.65'
C128	3° 25' 37"	600.00'	35.89'	S26° 42' 44"W	35.88'	17.95'
C129	12° 12' 20"	60.00'	12.78'	N22° 19' 23"E	12.76'	6.42'
C130	33° 01' 33"	60.00'	34.58'	N0° 17' 34"W	34.11'	17.79'
C131	24° 31' 36"	60.00'	25.68'	N29° 04' 08"W	25.49'	13.04'
C132	24° 18' 09"	60.00'	25.45'	N53° 29' 01"W	25.26'	12.92'
C133	25° 14' 37"	60.00'	26.44'	N78° 15' 24"W	26.22'	13.44'
C134	28° 48' 41"	60.00'	30.17'	S74° 42' 57"W	29.85'	15.41'
C135	22° 47' 03"	60.00'	23.86'	S48° 55' 05"W	23.70'	12.09'
C136	25° 30' 33"	60.00'	26.71'	N50° 16' 50"E	26.49'	13.58'
C137	83° 54' 20"	60.00'	87.87'	S75° 00' 44"E	80.22'	53.93'
C138	16° 02' 49"	275.00'	77.02'	S25° 02' 09"E	76.77'	38.76'
C139	16° 37' 10"	275.00'	79.77'	S8° 42' 10"E	79.49'	40.17'
C140	10° 22' 23"	275.00'	49.79'	S4° 47' 37"W	49.72'	24.96'
C141	84° 47' 03"	20.00'	29.60'	S52° 22' 20"W	26.97'	18.26'
C142	8° 53' 30"	475.00'	73.71'	S89° 40' 54"E	73.64'	36.93'
C143	4° 40' 07"	475.00'	38.70'	N83° 32' 17"E	38.69'	19.36'
C144	1° 54' 03"	475.00'	15.76'	N80° 15' 12"E	15.76'	7.88'
C145	5° 58' 13"	375.00'	39.08'	S82° 17' 17"W	39.06'	19.56'
C146	9° 21' 45"	375.00'	61.28'	S89° 57' 16"W	61.21'	30.71'
C147	9° 14' 51"	375.00'	60.52'	N80° 44' 26"W	60.46'	30.33'
C148	8° 15' 15"	375.00'	54.02'	N71° 59' 23"W	53.98'	27.06'
C149	0° 08' 18"	375.00'	0.91'	N67° 47' 36"W	0.91'	0.45'
C150	7° 24' 42"	325.00'	42.04'	S71° 25' 48"E	42.01'	21.05'
C151	7° 39' 31"	325.00'	43.44'	S78° 57' 54"E	43.41'	21.75'
C152	6° 41' 39"	325.00'	37.97'	S86° 08' 29"E	37.95'	19.01'
C153	7° 51' 03"	1,010.00'	138.39'	N82° 02' 16"W	138.28'	69.30'
C154	7° 59' 58"	990.00'	138.22'	N82° 23' 03"W	138.11'	69.22'
C155	13° 49' 33"	989.20'	238.70'	S78° 16' 12"W	238.12'	119.93'
C156	13° 29' 54"	1,010.00'	237.95'	S77° 59' 26"W	237.40'	119.53'
C157	7° 15' 05"	989.20'	125.20'	S81° 33' 26"W	125.11'	62.68'
C158	6° 50' 46"	1,010.00'	120.68'	S81° 19' 00"W	120.61'	60.41'
C159	6° 39' 08"	1,010.00'	117.26'	S74° 34' 03"W	117.20'	58.70'
C160	15° 59' 04"	989.20'	275.97'	S60° 27' 52"W	275.07'	138.89'
C161	15° 54' 04"	1,010.00'	280.30'	S60° 26' 15"W	279.40'	141.06'
C162	7° 26' 40"	1,010.00'	131.23'	S64° 39' 57"W	131.14'	65.71'
C163	8° 36' 25"	1,010.00'	151.72'	S56° 38' 24"W	151.58'	76.00'
C164	9° 41' 15"	989.20'	167.25'	S57° 18' 57"W	167.05'	83.83'

Lot Line Table		
Line #	Length	Direction
"L1"	17.36'	S13° 06' 02"W
"L2"	92.78'	S71° 53' 58"E
"L3"	61.27'	N83° 06' 02"E
"L4"	50.39'	S09° 04' 48"E
"L5"	128.01'	S00° 06' 02"W
"L6"	91.29'	N84° 53' 58"W
"L7"	144.95'	S25° 06' 02"W
"L8"	85.80'	S45° 06' 02"W
"L9"	162.41'	S04° 00' 00"E
"L10"	127.62'	S36° 00' 00"W
"L11"	86.21'	S63° 00' 00"W



Lot Area		
Lot #	SQ. FT.	Area
124	6,161.51	0.141
125	4,720.88	0.108
126	4,144.35	0.095
127	4,908.31	0.113
128	4,914.79	0.113
129	5,578.32	0.128
130	6,144.29	0.141
131	6,071.38	0.139
132	6,658.13	0.153
133	7,040.98	0.162
134	7,101.49	0.163
135	6,929.29	0.159
136	6,380.30	0.146
137	5,757.96	0.132
138	5,322.87	0.122

Lot Area		
Lot #	SQ. FT.	Area
139	5,459.12	0.125
140	5,912.42	0.136
141	6,369.86	0.146
142	8,239.76	0.189
143	11,498.67	0.264
144	9,558.12	0.219
145	7,702.84	0.177
146	5,268.95	0.121
147	4,885.10	0.112
148	4,641.40	0.107
149	4,812.11	0.110
150	5,421.89	0.124
151	6,614.97	0.152
152	7,379.53	0.169
153	6,196.18	0.142

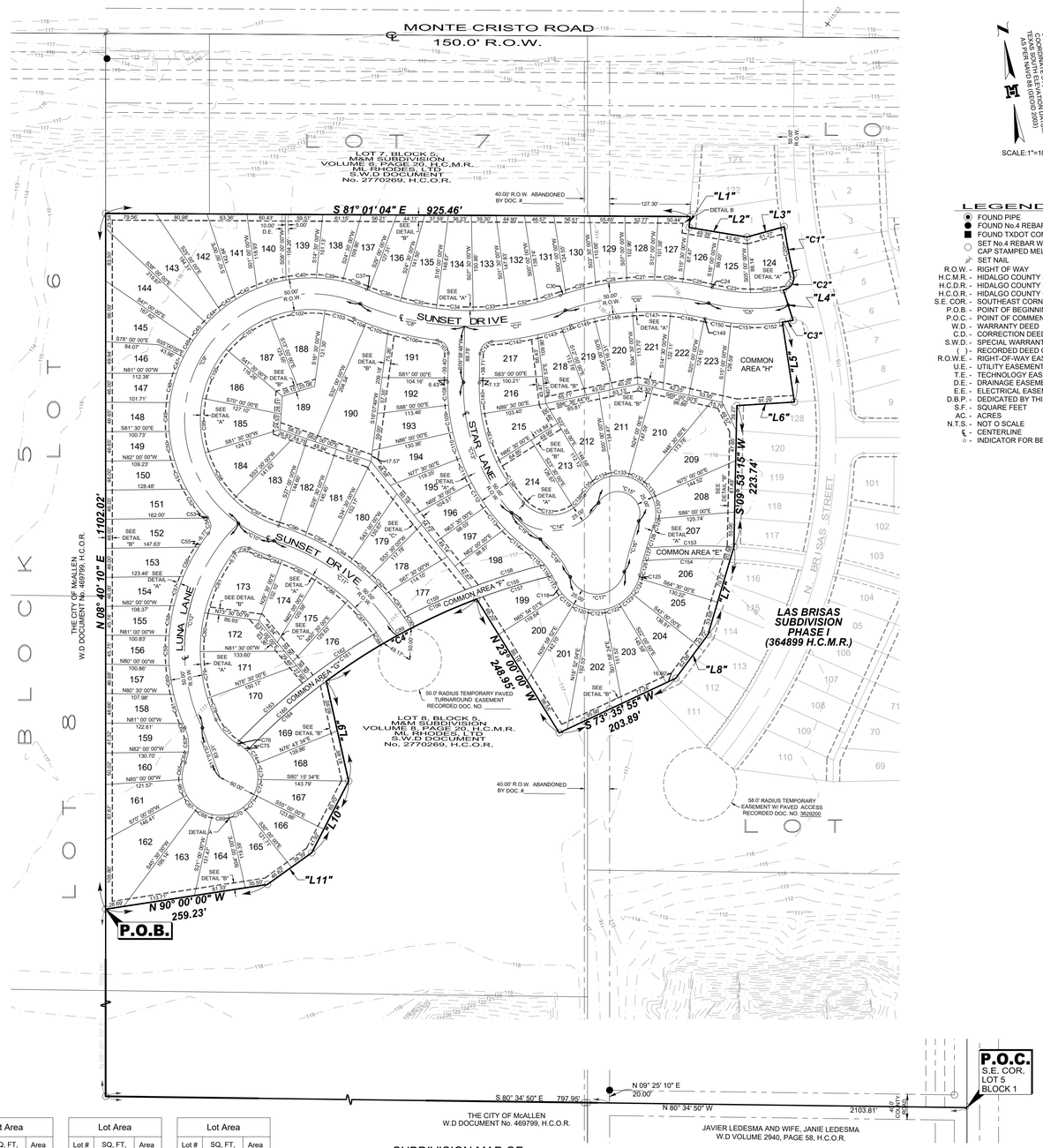
Lot Area		
Lot #	SQ. FT.	Area
154	5,300.78	0.122
155	4,849.07	0.111
156	4,672.37	0.107
157	4,797.88	0.110
158	5,291.41	0.121
159	5,960.34	0.137
160	5,841.76	0.134
161	7,162.44	0.164
162	11,764.33	0.270
163	9,410.50	0.216
164	6,492.86	0.149
165	6,570.45	0.151
166	6,636.27	0.152
167	7,008.54	0.161
168	7,357.76	0.169

Lot Area		
Lot #	SQ. FT.	Area
169	8,008.81	0.184
170	8,493.77	0.195
171	7,173.55	0.165
172	6,010.49	0.138
173	9,152.58	0.210
174	5,740.04	0.132
175	6,273.37	0.144
176	6,673.21	0.153
177	6,083.74	0.140
178	5,818.97	0.134
179	6,166.04	0.142
180	7,130.10	0.164
181	7,421.88	0.170
182	6,801.54	0.156
183	7,321.51	0.168

Lot Area		
Lot #	SQ. FT.	Area
184	7,218.05	0.166
185	7,042.06	0.162
186	6,950.88	0.160
187	6,926.86	0.159
188	7,023.63	0.161
189	11,522.89	0.265
190	13,382.48	0.307
191	6,443.38	0.148
192	5,379.44	0.123
193	6,061.81	0.139
194	6,744.03	0.155
195	5,637.91	0.129
196	4,940.21	0.113
197	4,677.39	0.107
198	6,357.72	0.146

Lot Area		
Lot #	SQ. FT.	Area
199	6,095.24	0.140
200	6,887.20	0.158
201	9,706.62	0.223
202	9,378.03	0.215
203	7,465.27	0.171
204	7,285.04	0.167
205	6,911.22	0.159
206	6,723.29	0.154
207	6,414.25	0.147
208	7,423.74	0.170
209	10,760.00	0.247
210	9,262.11	0.213
211	7,944.58	0.182
212	7,921.94	0.182
213	5,859.27	0.135

Lot Area		
Lot #	SQ. FT.	Area
214	7,449.26	0.171
215	6,313.57	0.145
216	5,144.95	0.118
217	5,709.54	0.131
218	5,757.03	0.132
219	5,607.01	0.129
220	5,855.39	0.134
221	5,944.79	0.136
222	5,946.41	0.137
223	6,038.95	0.139
C.A."E"	2,767.45	0.064
C.A."F"	4,773.33	0.110
C.A."G"	5,586.34	0.128
C.A."H"	12,946.65	0.297



LEGEND

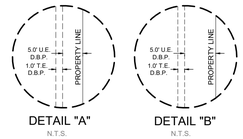
- FOUND PIPE
- FOUND No.4 REBAR
- FOUND TXDOT CONCRETE DISK
- SET No.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT
- SET NAIL

R.O.W. - RIGHT OF WAY
H.C.M.R. - HIDALGO COUNTY MAP RECORDS
H.C.D.R. - HIDALGO COUNTY DEED RECORDS
H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
S.E. COR. - SOUTHEAST CORNER
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
W.D. - WARRANTY DEED
C.D. - CORRECTION DEED
S.W.D. - SPECIAL WARRANTY DEED
( ) - RECORDED DEED CALLS
R.O.W.E. - RIGHT-OF-WAY EASEMENT
U.E. - UTILITY EASEMENT
T.E. - TECHNOLOGY EASEMENT
D.E. - DRAINAGE EASEMENT
E.E. - ELECTRICAL EASEMENT
D.B.P. - DEDICATED BY THIS PLAT
S.F. - SQUARE FEET
AC. - ACRES
N.T.S. - NOT O SCALE
℄ - CENTERLINE
○ - INDICATOR FOR BEGIN AND END CURVE

SUBDIVISION MAP OF

LAS BRISAS SUBDIVISION PHASE II

19.604 ACRES OUT OF LOTS 1 AND 2, BLOCK 1, LOTS 6, 7 AND 8, BLOCK 5, M AND M SUBDIVISION VOLUME 8, PAGE 20, H.C.M.R. CITY OF McALLEN, HIDALGO COUNTY, TEXAS



DRAWN BY: A.G.P. DATE 04/04/2025
REVISED BY: A.G.P. DATE 10/30/2025
SURVEYED, CHECKED: _____ DATE _____
FINAL CHECK: _____ DATE _____

TBPE FIRM # F-1435

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

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 11/25/2025

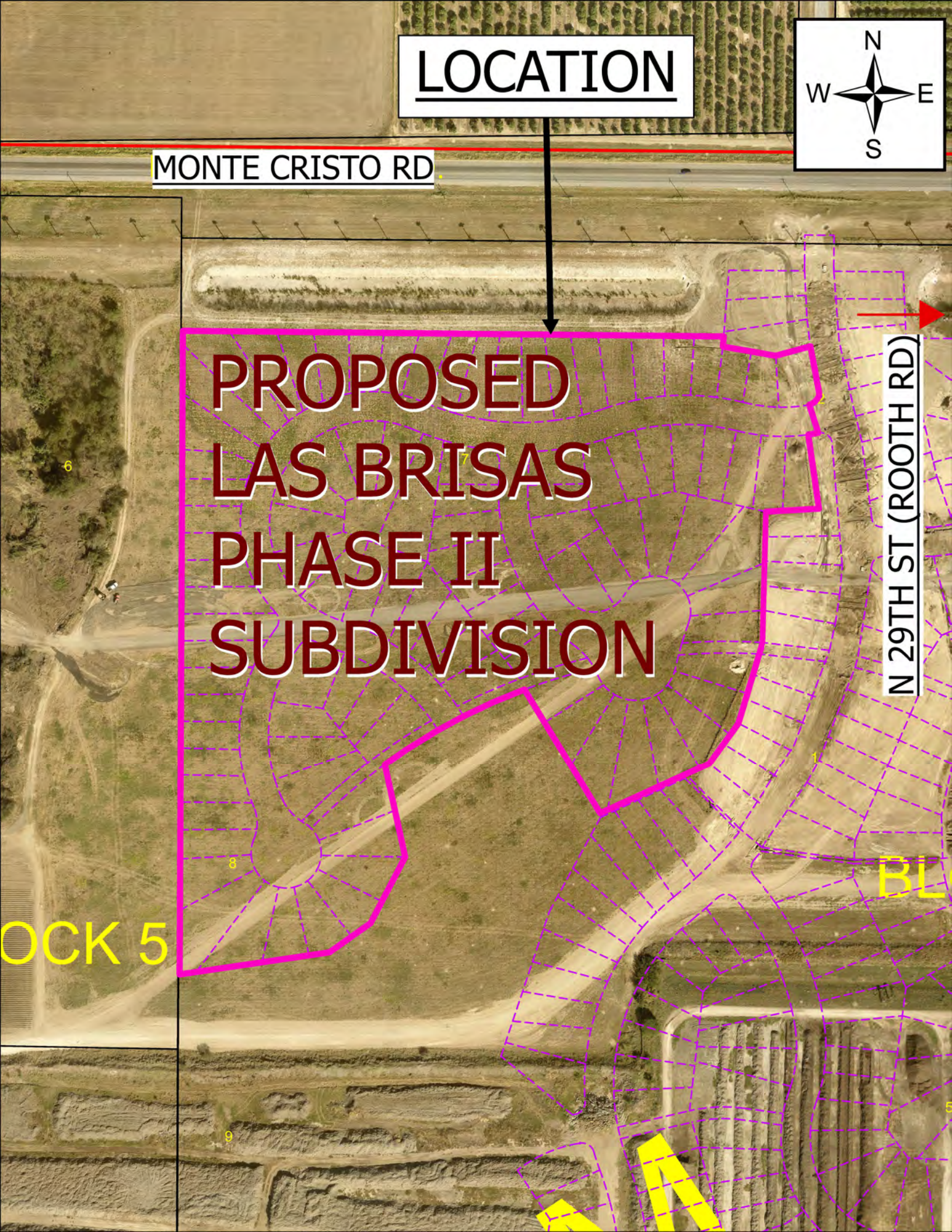
SUBDIVISION NAME: LAS BRISAS PHASE II	
REQUIREMENTS	
STREETS AND RIGHT-OF-WAYS	
Interior Streets: 50 ft. ROW Paving: 32 ft. Curb & gutter: both sides - Street names will be finalized, prior to final. - Temporary paved turnarounds as shown on plat by separate document will need to be recorded, prior to recording. **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Required
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
_____ Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	NA
* 1,200 ft. Block Length: Common Areas and access walks/drives provided per agreement **Subdivision Ordinance: Section 134-118	Applied
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac - Please provide dimensions of Cul-de-Sacs. - Please clarify if islands are proposed and provide paving dimensions around all islands to determine compliance prior to final. - Paving must be 96 ft. in diameter face to face and island must meet 32 ft. paving all around and must be fire lane striped, as applicable. **Subdivision Ordinance: Section 134-105	Required
ALLEYS	
ROW: 20 ft. Paving: 16 ft. *Alley/service drive easement required for commercial/multi-family properties **Subdivision Ordinance: Section 134-106	NA

SETBACKS	
* Front: 20 feet minimum or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Rear: 11 feet or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Sides: 5 feet or greater for easements **Zoning Ordinance: Section 138-356	Applied
* Corner: 10 feet or greater for easements - Remove side from corner setback. **Zoning Ordinance: Section 138-356	Required
* Garage: 18 feet except where greater setback is required; greater setback applies. - Revise plat note as shown above, prior to final. **Zoning Ordinance: Section 138-356	Required
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* Interior sidewalks shall be installed at building permit stage as per sidewalk plan filed with the city by registered engineer designing the unit of development, per agreement. - City ordinance will not apply provided a sidewalk having at least an adequate width for pedestrian and bike traffic is provided in a plan that is sealed by the registered engineer designing the unit of development, per agreement. Must provide sidewalk, prior to final. - Revise plat note #16 as shown above, prior to final. **Subdivision Ordinance: Section 134-120	Required
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Required
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses - Revise plat note as shown above, prior to final. **Landscaping Ordinance: Section 110-46	Required
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Required
NOTES	
* No curb cut, access, or lot frontage permitted along **Must comply with City Access Management Policy	NA
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	Applied
* Common Areas, etc. must be maintained by the lot owners/PID and not the City of McAllen. - Revise plat note as shown above, prior to final/Recording.	Required
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	NA
* Public Improvement District (PID) (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 Vegetation Ordinance, including but not limited to common areas. **Section 110-72 applies if public subdivision is proposed. **Section 134-168 applies if private subdivision is proposed.	Required

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

**Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	
* Public Improvement District (PID) 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. **Section 134-168 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	Required
LOT REQUIREMENTS	
* Lots fronting public streets - Access to subdivision from Las Brisas Phase I Subdivision, which has access to Monte Cristo Road. - The subdivision must comply with minimum access points, as per agreement. **Subdivision Ordinance: Section 134-1	Applied
* Minimum lot width and lot area - Lots must comply with the minimum 50 ft. frontage requirement and 54 ft. on corner lots, or in compliance per Agreement. **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. As per Parks Department, in this case Park fees do not apply because Park land dedication exceeds City's requirements as of 10/30/2014,as per agreement.	Applied
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording. As per Parks Department, in this case Park fees do not apply because Park land dedication exceeds City's requirements as of 10/30/2014,as per agreement.	Applied
* Pending review by the City Manager's Office. As per Parks Department, in this case Park fees do not apply because Park land dedication exceeds City's requirements as of 10/30/2014,as per agreement.	Applied
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat. - As per Traffic, Phase II was included and approved in the Master TG approved, Master TIA approved with conditions.	Applied
* Traffic Impact Analysis (TIA) required prior to final plat. - As per Traffic, Master TIA approved with conditions.	Applied
COMMENTS	
Comments: - Any abandonments must be done by separate process, not by plat, prior to final. - Signature blocks must be revised to show correct subdivision name. - Clarify dotted line shown outside subdivision boundary line at the southwest corner. *Must comply with City's Access Management Policy.	Applied

RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM SUBJECT TO THE CONDITIONS NOTED.	Applied


LOCATION
N
W
E
S
MONTE CRISTO RD
PROPOSED
LAS BRISAS
PHASE II
SUBDIVISION
N 29TH ST (ROOTH RD)
OCK 5

SUB2025-0158

City of McAllen

Planning Department

311 NORTH 15TH STREET • (956) 681-1250 • (956) 681-1279 (fax)

SUBDIVISION PLAT REVIEW APPLICATION

Project Information

Subdivision Name RMZ DEVELOPMENT

Legal Description BEING A 2.73 ACRES TRACT OF LAND OUT OF LOT 166, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION OF PORCIONES 61, 62 AND 63, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20 PAGE 67 AND 68 HIDALGO COUNTY, TEXAS.

Location LOCATED AT THE NORTHWEST CORNER OF 29TH STREET AND COLBATH AVENUE

City Address or Block Number 2900 Colbath Ave

Total No. of Lots 2 Total Dwelling Units _____ Gross Acres 2.73 Net Acres _____

☒Public Subdivision ☐Private and Gated ☐Private but Not Gated within ETJ: ☐Yes/☒No

For Fee Purposes: ☒**Commercial** (2.73 **Acres**) ☐ **Residential** (____ **Lots**) Replat: ☐Yes/☒No

Existing Zoning C-4 Proposed Zoning C-4 Applied for Rezoning ☐No/☒Yes: Date _____

Existing Land Use Existing Building Proposed Land Use COMMERCIAL INDUSTRIAL

Irrigation District # 1 Water CCN: ☒MPU/☐Sharyland Water SC Other _____

Agricultural Exemption: ☐Yes/☐No Parcel # 211087

Estimated Rollback Tax Due Ø Tax Dept. Review _____

Owner

Name RMZ INVESTMENTS LLC Phone 956-445-7631

Address 1809 SOUTH ERICA ST E-mail _____

City PHARR State TEXAS Zip 78577

Developer

Name RMZ INVESTMENTS LLC Phone _____

Address 1809 SOUTH ERICA ST E-mail _____

City PHARR State TEXAS Zip 78577

Contact Person _____

Engineer

Name RIO DELTA ENGINEERING Phone 956-380-5152

Address 921 S. 10TH AVENUE E-mail EDINBURG@RIODELTAENGINEERING.COM

City EDINBURG State TEXAS Zip 78539

Contact Person IVAN GARCIA P.E., R.P.L.S.

Surveyor

Name RIO DELTA ENGINEERING Phone 956-380-5152

Address 921 S. 10TH AVENUE E-mail EDINBURG@RIODELTAENGINEERING.COM

City EDINBURG State EDINBURG Zip 78539

RECEIVED
NOV 05 2025
By OC

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 blueline copies 2 Location Maps
- 2 8 ½" by 11" copies/legible copies of plat with name & north arrow
- 6 Folded blueline 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.

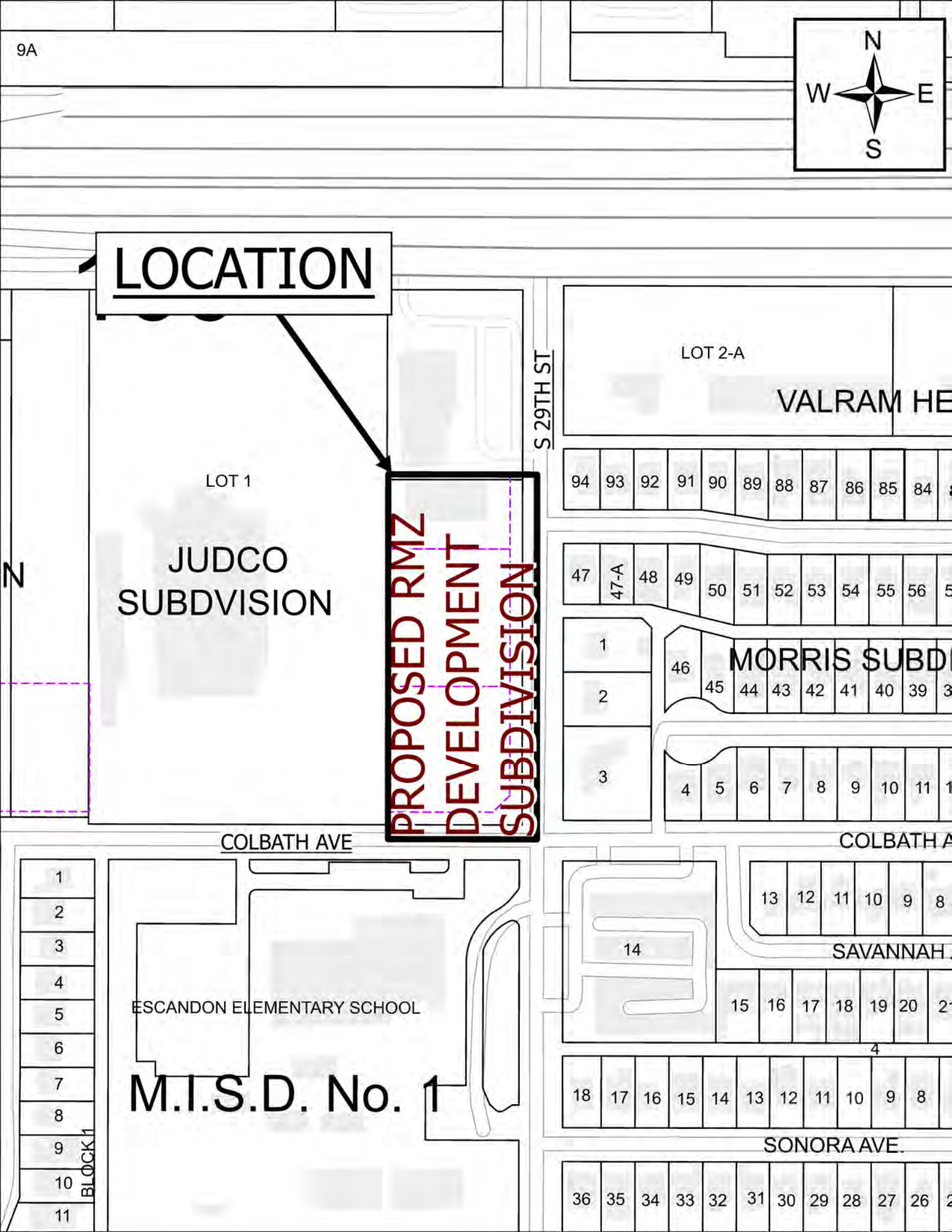
Signature _____ Date 11/4/2025

Monica Ramirez

Print Name _____

Owner ☒ Authorized Agent ☐

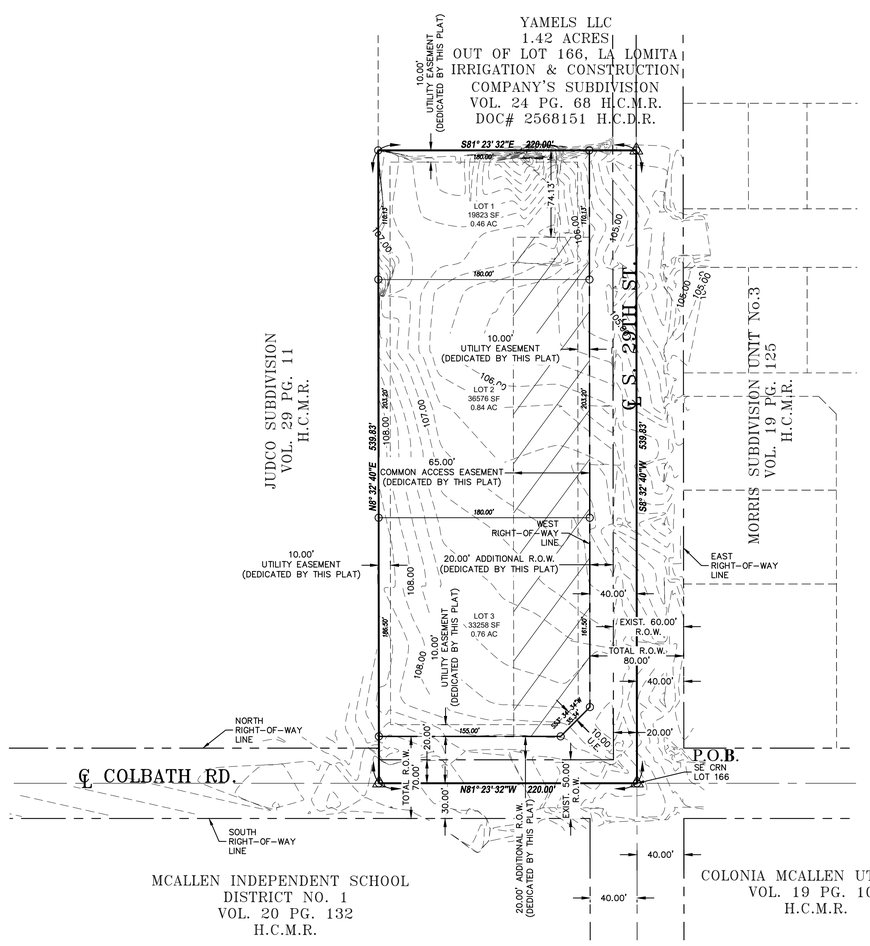
The Planning Department now accepts DocuSign signatures on application with a Certificate of Completion


9A
N
W
E
S
LOCATION
LOT 1
JUDCO
SUBDVISION
PROPOSED RMZ
DEVELOPMENT
SUBDIVISION
S 29TH ST
LOT 2-A
VALRAM HE
94 93 92 91 90 89 88 87 86 85 84
47 47-A 48 49 50 51 52 53 54 55 56
1
2
3
46
45
MORRIS SUBD
44 43 42 41 40 39
4 5 6 7 8 9 10 11
COLBATH AVE
COLBATH A
1 2 3 4 5 6 7 8 9 10 11
BLOCK 1
ESCANDON ELEMENTARY SCHOOL
M.I.S.D. No. 1
14
13 12 11 10 9 8
SAVANNAH
15 16 17 18 19 20
4
18 17 16 15 14 13 12 11 10 9 8
SONORA AVE.
36 35 34 33 32 31 30 29 28 27 26

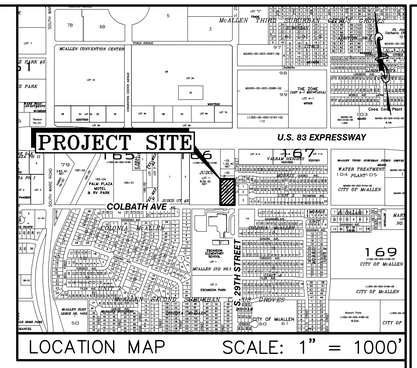
DATE OF PREPARATION: DECEMBER 12, 2025

RMZ DEVELOPMENT SUBDIVISION

BEING A 2.73 ACRES TRACT OF LAND OUT OF LOT 166, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION OF PORCIONES 61, 62 AND 63, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20 PAGE 67 AND 68 HIDALGO COUNTY, TEXAS.



SCALE: 1" = 60'
BASIS OF BEARING
TEXAS STATE PLANE, COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK



ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
N.W.C.	NORTHWEST CORNER
F.T.	FARM TRACT
F.M.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C	CENTER LINE
L	LOT LINE

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	1/2" IRON ROD FOUND
△	CALCULATED POINT
⛤	COTTON PICKER SPINDLE SET
X	"X" MARK SET IN CONCRETE
⊙	5/8" IRON ROD FOUND

METES AND BOUNDS DESCRIPTION:

BEING A 2.73 ACRES TRACT OF LAND OUT OF LOT 166, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION OF PORCIONES 61, 62 AND 63, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 20 PAGE 67 AND 68 HIDALGO COUNTY, TEXAS. AND SAID 2.73 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON PICKER SPINDLE SET ON THE SOUTHEAST CORNER OF THE SAID LOT 166, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

THENCE N 81°23'32" W ALONG THE SOUTH BOUNDARY LINE OF THE SAID LOT 166, SAME BEING ALONG THE CENTERLINE OF S. COLBATH AVENUE, A DISTANCE OF 220.00' TO A COTTON PICKER SPINDLE SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 8°32'40" E ACROSS THE SAID LOT 166, PASSING AT 20.00 FEET A 1/2-INCH CAPPED IRON ROD SET ON THE EXISTING NORTH RIGHT-OF-WAY OF S. COLBATH AVENUE (EXISTING 50.00 FOOT RIGHT-OF-WAY). AND CONTINUING FOR A TOTAL DISTANCE OF 539.83 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 81°23'32" E ACROSS THE SAID LOT 166, PASSING AT 200.00 FEET A 1/2-INCH CAPPED IRON ROD SET ON THE EXISTING WEST RIGHT-OF-WAY OF S. 29TH STREET (EXISTING 60.00 FOOT RIGHT-OF-WAY). AND CONTINUING FOR A TOTAL DISTANCE OF 220.00 FEET TO A COTTON PICKER SPINDLE SET, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 8°32'40" W ALONG THE EAST BOUNDARY LINE OF THE SAID LOT 166, SAME BEING ALONG THE CENTERLINE OF S. 29TH STREET (EXISTING 60.00 FOOT RIGHT-OF-WAY), A DISTANCE OF 539.83 FEET TO THE **THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 2.73 ACRES OF LAND, MORE OR LESS.**

GENERAL PLAT NOTES:

1. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOTS.
2. MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:

FRONT: S.29TH STREET/ COLBATH ROAD.	IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN, OR IN LINE WITH AVERAGE SETBACK, WHICHEVER IS GREATER APPLIES.
REAR:	IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN, WHICHEVER IS GREATER APPLIES.
SIDES:	IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN, WHICHEVER IS GREATER APPLIES.
CORNER:	SEE FRONT SETBACK SECTION ABOVE.

3. THE SUBDIVISION IS IN ZONE "B" (SHADED), AREAS BETWEEN LIMITS OF 100-YEAR FLOOD AND 500-YEAR FLOOD, MAP COMMUNITY PANELS NO.: 480343 0005 C MAP REVISED: NOVEMBER 2, 1982.
4. A DRAINAGE DETENTION OF **20.574** OF OR **0.472** ACRE FEET IS REQUIRED FOR THE SUBDIVISION. DETENTION SHALL COMPLY WITH MASTER DRAINAGE PLAN. THE CITY OF McALLEN WILL NOT MAINTAIN DETENTION AREA.
5. ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
6. 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.
7. A 25'X25' SIGHT OBSTRUCTION EASEMENT REQUIRED AT ALL STREET INTERSECTIONS.
8. 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG SOUTH 29TH STREET & COLBATH ROAD.
9. CITY OF McALLEN BENCHMARK (AQUA) SET BY ARANDA & ASSOC. A STAINLESS STEEL, 3/8" BOLT, COVERED WITH AN ALUMINUM LOGO CAP LOCATED INSIDE THE CITY OF MCALLEN SOUTHWEST WATER PLANT, (EXP. 83). NORTHING= 16595143.7878685, EASTING=1066077.77522, NAD 83, NAVD 88, ELEV=110.38
10. 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
11. 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
12. ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.
13. A MINIMUM 24 FT. PRIVATE SERVICE DRIVE EASEMENT WILL BE ESTABLISHED AS PART OF THE SITE PLAN AND WILL BE MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF McALLEN.
14. NO CURB, ACCESS, OR LOT FRONTAGE PERMITTED.
15. SITE PLAN MUST BE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENTS PRIOR TO BUILDING PERMIT ISSUANCE.
16. COMMON AREAS, ANY PRIVATE STREETS/DRIVES, ECT. MUST BE MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF MCALLEN.
17. 65 FT. COMMON ACCESS EASEMENT MUST BE MAINTAINED BY LOT OWNERS AND NOT THE CITY OF MCALLEN.
18. PERIMETER BUFFERS MUST BE BUILT AT TIME OF SUBDIVISION IMPROVEMENTS.

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 **RMZ DEVELOPMENT 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, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (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 THERIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

MONICA S. ALONSO DE RAMIREZ (MANAGER) DATE
RMZ INVESTMENTS, LLC
1809 SOUTH ERICA ST
PHARR, TEXAS 78577

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **MONICA 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 PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2026.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ___-___-___

LIENHOLDER'S ACKNOWLEDGMENT
STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, HOLDERS(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE **RMZ DEVELOPMENT SUBDIVISION**, OF THE CITY OF MCALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GEORGE BRAMNIK DATE
COMMUNITY LOAN SERVICING
4425 POUNCE DE LEON BLVD., SUITE 300
CORAL GABLES, FLORIDA 33146

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 _____, 2026.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ___-___-___

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON THIS, THE _____ DAY OF _____, 20___. SUBJECT TO THE FOLLOWING

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 RIGHT OF WAYS EASEMENTS WITH OUT THE EXPRESSED WRITTEN.

SECRETARY PRESIDENT

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
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
IVAN GARCIA
115662
LICENSED PROFESSIONAL ENGINEER

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, 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. 6469
SURVEY FIRM No. 10194027

STATE OF TEXAS
IVAN GARCIA
6496
PROFESSIONAL LAND SURVEYOR

THE COUNTY OF HIDALGO TEXAS

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

PRINCIPAL CONTACTS:

NAME		ADDRESS			PHONE & FAX	
OWNER(S): RMZ INVESTMENTS, LLC		1809 SOUTH ERICA ST	PHARR, TX.	78577		
SURVEYOR: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE	EDINBURG, TX.	78539	(956) 380-5152	(956) 380-5083
ENGINEER: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE	EDINBURG, TX.	78539	(956) 380-5152	(956) 380-5083

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

ISSUED FOR:
FINAL

PROJECT :
PLAT SHEET
RMZ DEVELOPMENT SUBDIVISION
CITY OF MCALLEN, TEXAS
HIDALGO COUNTY, TEXAS

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:	EDWIN PENA
SCALE:	1" = 60'
DATE:	DECEMBER 12, 2025
PROJECT:	SUB 22 018
REVISIONS:	
PAGE NO.	1-OF-1

City of McAllen

SUBDIVISION PLAT REVIEW

Reviewed On: 1/9/2026

SUBDIVISION NAME: RMZ DEVELOPMENT

REQUIREMENTS

STREETS AND RIGHT-OF-WAYS	
S. 29th Street: 40 ft. from centerline for a total of 80 ft. ROW Paving: 65 ft. - 85 ft. Curb & gutter: both sides -Engineer submitted a variance request on July 15, 2025 to reduce the ROW requirements from 100 ft. to 80 ft. ROW. The variance request was approved on August 16, 2022. and the variance will be applied to this plat. -Provide a copy of documents referenced on the plat, prior to final **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Required
Colbath Road: 40 ft. dedication from centerline for 80 ft. total ROW. Paving: 52 ft. Curb & gutter: both sides **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
Paving _____ Curb & gutter _____ **Subdivision Ordinance: Section 134-105 **Monies must be escrowed if improvements are required prior to final **COM Thoroughfare Plan	Applied
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	NA
* 900 ft. Block Length for R-3 Zone Districts **Subdivision Ordinance: Section 134-118	NA
* 600 ft. Maximum Cul-de-Sac **Subdivision Ordinance: Section 134-105	NA

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

ALLEYS	
ROW 20 ft. Paving 16 ft. *Alley/service drive easement required for commercial properties. Add plat note stating: - 65 ft. common access easement must be maintained by lot owners and not the City of McAllen. -(Proposing): 65 ft. common access easement. -Alley or service drive cannot dead-end. -If service drive is proposed a plat note stating "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. **Subdivision Ordinance: Section 134-106	Required
SETBACKS	
* Front: (Proposing): S. 29th Street/ Colbath Road: In accordance with the zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever greater applies. **Zoning Ordinance: Section 138-356	Compliance
* Rear: (Proposing):In accordance with the zoning ordinance, or greater for easements or approved site plan, whichever greater applies. **Zoning Ordinance: Section 138-356	Compliance
Sides:(Proposing): In accordance with the zoning ordinance, or greater for easements or approved site plan, whichever greater applies. **Zoning Ordinance: Section 138-356	Compliance
* Corner: (Proposing) see front setback section above. **Zoning Ordinance: Section 138-356	Compliance
* Garage Commercial Development does not apply. **Zoning Ordinance: Section 138-356	NA
*ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS OR APPROVED SITE PLAN	Applied
SIDEWALKS	
* 4 ft. wide minimum sidewalk required on S. 29th Street and Colbath Road. -May increase to 5 ft. as per Engineering Department **Subdivision Ordinance: Section 134-120	Applied
* Perimeter sidewalks must be built or money escrowed if not built at this time.	Applied
BUFFERS	
* 6 ft. opaque buffer required from adjacent/between multi-family residential and commercial, and industrial zones/uses **Landscaping Ordinance: Section 110-46	Applied
* 8 ft. masonry wall required between single family residential and commercial, industrial, or multi-family residential zones/uses. **Landscaping Ordinance: Section 110-46	Applied
*Perimeter buffers must be built at time of Subdivision Improvements.	Required

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NOTES	
* No curb cut, access, or lot frontage permitted along - remove plat note **Must comply with City Access Management Policy	Required
* Site plan must be approved by the Planning and Development Departments prior to building permit issuance.	Applied
* Common Areas, any private streets/drives, gate areas, etc. must be maintained by the lot owners and not the City of McAllen. - Add plat note as stated above, prior to final.	Required
* Common Areas for commercial developments provide for common parking, access, setbacks, landscaping, etc.	Applied
* 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 private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
* Homeowner's Association Covenants must be recorded and submitted with document number on the plat, prior to recording. **Section 110-72 applies if private subdivision is proposed. **Landscaping Ordinance: Section 110-72 **Subdivision Ordinance: Section 134-168	NA
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 C-4 Proposed: C-4 ***Zoning Ordinance: Article V	Applied
* Rezoning Needed Before Final Approval ***Zoning Ordinance: Article V	Applied
PARKS	
* Land dedication in lieu of fee.	NA
* Park Fee of $700 per lot/dwelling unit to be paid prior to recording	NA
* Pending review by the Parkland Dedication Advisory Board and CC.	NA
TRAFFIC	
* As per Traffic Department, Trip Generation required to determine if TIA is required, prior to final plat.	Required
* Traffic Impact Analysis (TIA) required prior to final plat.	Required

These comments are for subdivision requirements only – additional requirements may apply at time of site plan review

COMMENTS	
Comments: -Engineer submitted a variance request on July 15, 2025 to reduce the ROW requirements from 100 ft. to 80 ft. ROW. The variance request was approved on August 16, 2022. and the variance request will be applied to this plat. -Remove plat note #14 *Must comply with City's Access Management Policy.	Applied
RECOMMENDATION	
Recommendation: STAFF RECOMMENDS APPROVAL OF THE SUBDIVISION IN FINAL FORM, SUBJECT TO CONDITIONS NOTED.	Applied

LOCATION
N
W
E
S
9A
LOT 1
JUDCO
SUBDVISION
PROPOSED RMZ
DEVELOPMENT
SUBDIVISION
S 29TH ST
LOT 2-A
VALRAM HE
94 93 92 91 90 89 88 87 86 85 84
QUEBEC AVE
47 47-A 48 49 50 51 52 53 54 55 56
1
2
3
46
45 44 43 42 41 40 39
MORRIS SUBD
RICHMOND AVE
4 5 6 7 8 9 10 11
COLBATH AVE
COLBATH RD
COLBATH A
1 2 3 4 5 6 7 8 9 10 11
BLOCK 1
S 31ST ST
ESCANDON ELEMENTARY SCHOOL
M.I.S.D. No. 1
14
13 12 11 10 9 8
SAVANNAH
15 16 17 18 19 20
4
18 17 16 15 14 13 12 11 10 9 8
SONORA AVE.
36 35 34 33 32 31 30 29 28 27 26