

CITY OF PALMHURST HIDALGO COUNTY TEXAS

Subdivision Review Package



4417 North Shary Rd
Palmhurst, Texas 78573
(956) 583-8697 Office
(956) 581-4630 Fax

City Website
www.cityofpalmhursttx.com

City Ordinances
<http://library.municode.com/index.aspx?clientId=14053&stateId=43&stateName=Texas>

City Council & Officials

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CITY COUNCIL PLACE ONE

Ruben De Leon

CITY COUNCIL PLACE TWO

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Rolando Alaniz

Subdivision Review Application

**City of Palmhurst
Planning Department
(956) 583-8697
APPLICATION FOR
SUBDIVISION PLAT REVIEW**

Project Description	Subdivision Name: _____ Location: _____ City Address or Block Number: _____ Number of Lots _____ Gross acres _____ Net acres _____ Existing Zoning _____ Proposed _____ Rezoning Applied for ☐ Yes ☐ No Date _____ Existing Land Use _____ Proposed Land Use _____ Residential Re-plat Yes ☐ No ☐ Commercial Re-plat Yes ☐ No ☐ ETJ Yes ☐ No ☐ Agricultural Tax Exemption Yes ☐ No ☐ Estimated Rollback tax due _____ Legal Description _____ _____ _____
Owner	Name _____ Telephone _____ Address _____ City _____ State _____ Zip _____
Developer	Name _____ Telephone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____
Engineer	Name _____ Telephone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____
Surveyor	Name _____ Telephone _____ Address _____ City _____ State _____ Zip _____ Contact Person _____

Minimum Developer's Requirements Submitted with Application	Proposed Plat _____ Title Report _____ Sealed survey showing existing structures / easements _____ 2 Location Maps _____ 2 (8 ½ x 11) copies of plat with name and north arrow _____ 6 Folded blue line prints of the proposed plat _____ 2 Warranty deeds PLAT TO SHOW: _____ Metes and Bounds _____ Lots numbered with dimensions and area of irregular lots noted _____ Surrounding platted lots and / or lot lines for unplatted tracts _____ Name and address of owner, lien holder, developer, engineer, and surveyor shown along with signature lines _____ North arrow, scale, and vicinity map _____ Name and dimensions of adjoining street ROW's (total width and 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 of blue line prints and 8 ½ by 11 copies of the plat, affected by changes.
	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 attaches written evidence of such authorization. Signature _____ Date _____ ☐ Owner ☐ Authorized agent
Office Use	Filing Date _____ Admin Fee _____ Date Paid _____ Comments _____ _____ _____

OWNER'S DECLARATION AND ACKNOWLEDGEMENT

I, (we), the undersigned, owner(s) of the land shown on this plat, that is hereby being subdivided to create the _____ Subdivision, an addition to the City of Palmhurst, Hidalgo County, Texas, do hereby dedicate all streets, alleys, easements, rights of ways, parks, water courses, drains and all other public facilities to their respective and indicated individual lot owner(s), their heir(s), and/or a "Home Owners Association", of the above said Subdivision and shall be held responsible for the purposes of administration and maintenance, are thereof herein expressed. Furthermore, acknowledge and decree that the City of Palmhurst, by the authority of Section 311.008 of the Texas Transportation Code, shall not be held responsible for the purposes of administration nor the maintenance of such. However, the City of Palmhurst retains the right to enter upon and use the said, all streets, alleys, easements, rights of way, parks, water courses, drains and all other public facilities for the purposes conducting municipal business, including but not limited to inspections, law enforcement, dealing with emergencies, and other governmental purposes, and to authorize other government bodies or agencies or private enterprises to enter upon and use the said, all streets, alleys, easements, rights of way, parks, water courses, drains and all other public facilities, for the same or similar purposes.

SIGNATURE OF OWNER (S)

=====

STATE OF TEXAS

COUNTY OF HIDALGO

BEFORE ME, NOTARY PUBLIC, ON THIS DAY PERSONALLY APPEARED

_____ AND _____

KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) ARE SUBSCRIBED TO THE FOREGOING DOCUMENT AND DECLARED THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

IN THE YEAR OF OUR LORD, _____.

NOTARY PUBLIC IN AND FOR

THE STATE OF TEXAS

CITY OF PALMHURST SUBDIVISION FEE SCHEDULE

SECTION 1. CONTACT THE CITY OF PALMHURST	\$100.00
*Obtain all forms and requirements, upon completion, request a Pre-application meeting.	
SECTION 2. PRE-APPLICATION MEETING	\$200.00
SECTION 3. PRELIMINARY SUBDIVISION REVIEW	\$600.00
SECTION 4. SUBDIVISION REVIEW MEETING	\$600.00
SECTION 5. FINAL SUBDIVISION REVIEW MEETING	\$200.00
FINAL INSPECTION	\$400.00
TOTAL	\$2,100.00

***Subdivision Inspection Fees:**

A fee for the inspection of the subdivision improvements shall be paid to the City prior to the commencement of the construction of the subdivision improvements. The fee shall be equal to 3.5% of the cost of the construction for the subdivision improvements.

***Subdivision Park Dedication Fee:**

The developer(s) shall first provide the appropriate recreational park fee to the City of Palmhurst (according to the number of residential lots) prior to being filed for recording with the County Clerk Office. The Park Dedication fee for each anticipated residential dwelling unit, or its equivalent, shall be \$500.00/ dwelling unit.

***Septic Tank Escrow Fee:**

Any subdivision inside city limits and will have septic tanks on residential lots; to record the plat, the developer must escrow \$1,500/ lot toward the owner's cost to have septic tanks installed/inspected/approved by the County Health Department.

*Final recording fee will be at developers' expense.

*If final review is not approved and documents turned back to developer for additional modifications/corrections, there will be an additional fee of: \$300.00

**Subsequent reviews and re-submittals will incur a fee of: \$300.00

**If major changes occur during construction, a second review of plans will be required. \$300.00

Subdivision Plans and Documentation Submitted

The following are items that you, or your engineer, will need to submit so that I may set up a formal subdivision review conference. In conform to Ordinance # 88.

- **Application for Subdivision Plat Review form**, (*copy herewith attached*), that contains information about:

- _____ Project Description
 - _____ Property Owner
 - _____ Developer, (*if different from owner*)
 - _____ Engineer and Surveyor for the Project

And will be accompanied by:

1. \$100.00 application fee and a \$200.00 subdivision-processing fee.
 2. Complete legal description with metes and bounds, if applicable, in the form of a **WARRANTY DEED**. If warranty deed not available, than a Deed of Trust.
 3. Title Insurance **Title Report** of Owner's Property. (*1 copy*)
 4. Sealed and certified "Land Title, Category 1A" **Survey** of the property.
 5. **Draft, or preliminary Restrictive Covenant document** showing intended and proposed subdivision maintenance and restriction covenants. (*Final draft will be recorded*).
 6. **Variance Request (s)** Letter. (*If applicable*)
 7. Any plans or documents that may reflect the developers proposed intentions. (*If available*)
- **Proposed Subdivision Plat**
Subdivision Plat shall be as complete as possible, prepared by a registered professional land surveyor, showing subdivision boundary and ad joiners, lot and street layout including area calculations and street names, subdivision legal and general notes and restrictions, certification and acknowledgment and declaration notices of all entities that will sign plat, vicinity map inset, and show all other necessary information that is required by city subdivision regulations and ordinances.
 - **Proposed Subdivision Utility Plan**
_____ Utility plan must show all existing underground and above ground utilities that include, but not limited to, irrigation, water,

sewer, pipeline, electrical, telephone, and etc. (*show all existing utility easements on plat and on utility plans*).

_____ Proposed Potable Water Supply Plan and Layout naming water supply agency.

_____ Proposed Electrical and Lighting Plan and Layout naming electrical supply agency.

_____ Sanitary Sewer Plan and Layout naming sewer supply agency. (if applicable).

_____ Proposed Irrigation Plan and Layout and Irrigation District supplying water.

_____ Site and Soil Evaluation Report, on separate document, prepared by a qualified or certified Sanitarian or Engineer, if septic tank systems will be used. See attached requirements for site evaluation.

- **Proposed Paving and Storm Water Drainage Plan**

_____ Paving and drainage plan must show existing topography of subdivision and drainage patterns surrounding subdivision that affect storm water runoff.

_____ Street and Alley Plan and Layout with grading and flow directions with typical section details depicting proposed construction.

_____ Storm Water Sewer Plan and Storm Water Detention Plan and Layouts showing grading and flow directions with typical section details depicting proposed construction.

_____ Drainage report, on separate document, prepared for the Hidalgo County Drainage District #1, which complies with HCDD#1 requirements for HCDD#1 approval.

- **Submit 7 sets for the above plans for distribution.**

The city will distribute and receive comments from the following entities.

- ◆ City of Mission – Utilities (*If applicable*).
- ◆ Sharyland Water Supply Corporation
- ◆ United Irrigation District
- ◆ Texas Department of Transportation
- ◆ Southwestern Bell
- ◆ Central Power and Light OR Magic Valley Electric Coop.
- ◆ Hidalgo County Drainage District No. 1
- ◆ *Any other entity if needed or requested*

Please submit the above at your earliest convenience.

Site Evaluations Requirements for Subdivision Approval

For Preliminary Approval:

- Soil and site evaluation must be performed by a registered professional engineering or a registered sanitarian.
- All borings / backhoe pits must be indicated on the plot plan.
- For subdivisions with 1 to 20 lots, 6 borings / backhoe pits.
- For subdivision with 20-60 lots, 12 borings / backhoe pits.
- For subdivisions with 60 lots or over 18 borings / backhoe pits.
- The following information must be on the site evaluation report:
 - Soil texture analysis
 - Soil structure analysis
 - Depth of test
 - Restrictive horizon evaluation
 - Groundwater evaluation
 - Topography
 - Flood hazard
 - Vegetation
 - Easements and bodies of water
 - Location of all buildings
 - All separation distance identified in Table X must be shown
 - All water well on the site and neighboring properties
- **Proposed Paving and Storm Water Drainage Plan**
 - _____ Paving and drainage plan must show existing topography of subdivision and drainage patterns surrounding subdivision that affect storm water runoff.
 - _____ Street and Alley Plan and Layout with grading and flow directions with typical section details depicting proposed construction.
 - _____ Storm Water Sewer Plan and Storm Water Detention Plan and Layouts showing grading and flow directions with typical section detailing depicting proposed construction.
 - _____ Drainage report, on separate document, prepared for the Hidalgo County Drainage District # 1, which complies with HCDD #1 requirement for HCDD #1 approval.

Note: All the above information must be turned in to the city and reviewed by the designated representative

Thank You,

Elizardo Ramos,
City of Palmhurst Designated Representative

City Ordinance – Building Regulations

APPENDIX. - FEES; LICENSE AND CERTIFICATE CHARGES

1. - Fees for a building construction permit.
2. - Fees for a construction permit for commercial trade contractors.
3. - Fee for a construction permit for residential trade contractors.
4. - Reserved.
5. - Reserved.
6. - Licenses.
7. - Insurance.
8. - Administration process fee.
9. - Noncompliance deemed unlawful.
10. - Penalty.

The fees for building construction permits in the city shall be as follows:

Commercial construction permit, per schedule adopted by the board of aldermen in May 2005.

Residential construction permit \$300.00

Plus, per square foot 0.10

(Ord. No. 86, § 1, 4-23-2002)

2. Fees for a construction permit for commercial trade contractors.

[The fees for construction permits for commercial trade contractors shall be as follows:]

Electric contractor \$ 75.00

General contractor 200.00

Mechanical contractor 75.00

Plumbing contractor 75.00

Septic tank contractor 150.00

Sprinkler (building fire protection) contractor 200.00

Other trade contractors shall be [as] prescribed by the board of aldermen or its designee.

(Ord. No. 86, § 2, 4-23-2002)

3. Fee for a construction permit for residential trade contractors.

[The fees for construction permits for residential trade contractors in the city shall be as follows:]

Electric contractor \$50.00

General contractor 150.00

Mechanical contractor 50.00

Plumbing contractor 50.00

Septic tank contractor 150.00

Sprinkler (yard/landscape irrigation) contractor 50.00

Swimming pool contractor 300.00

Other trade contractors shall be [as] prescribed by the board of aldermen or its designee.

(Ord. No. 86, § 3, 4-23-2002)

6. Licenses.

The city requires that all trade contractors be professionally licensed in their respective fields. A current up to date license is required. It shall be the responsibility of the trade contractor to provide proof of professional licensing. A copy of the current up to date license shall be required to be on file in the building inspection department before a construction/building permit will be issued.

(Ord. No. 86, § 6, 4-23-2002)

7. Insurance.

The city requires that all contractors that do work in the city shall be insured. Minimum general liability insurance requirements are as follows:

Plumbing contractor \$300,000.00

Electrical contractor 100,000.00

Mechanical contractor 100,000.00

Septic tank contractor 100,000.00

Sprinkler (yard/landscape irrigation) contractor 100,000.00

Sprinkler (building fire protection) contractor 300,000.00

Swimming pool contractor 100,000.00

(Ord. No. 86, § 7, 4-23-2002; Ord. No. 102, § 1, 1-27-2005)

8. Administration process fee.

There shall be a \$0.10 per square foot of total (living, porch, patio, garage, guest house, swimming pool bathhouse, game room, mechanical room, all) proposed residential construction on each lot. These fees shall go for the general operation of the city. There shall be a \$0.20 per square foot of total proposed commercial construction on each lot. These fees shall go for the general operation of the city. There shall be a fee based on the value of the commercial construction project based on a schedule negotiated with city engineering firms providing professional services approved by the board of aldermen in May 2005.

(Ord. No. 86, § 8, 4-23-2002)

9. Noncompliance deemed unlawful.

It shall be unlawful for a contractor to commence any building construction without first obtaining a building construction permit. It shall also be unlawful for such trade contractors to conduct their trade without having first obtained a construction permit in their respective trade and paid such fee, and otherwise complied with the requirements of this ordinance.

(Ord. No. 86, § 9, 4-23-2002)

10. Penalty.

Anyone who violates the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not more than \$200.00. Each day in violation shall be a separate rate offense.

(Ord. No. 86, § 10, 4-23-2002)

City Ordinance – Signs

CODE OF ORDINANCES
Chapter 38 - SIGNS
ARTICLE III. - PERMITS

ARTICLE III. - PERMITS

Sec. 38-64. - Required; application.
Sec. 38-65. - Submission of plans with application; contents.
Sec. 38-66. - Fees.
Sec. 38-67. - Deviation from terms; transferability.
Sec. 38-68. - Time limit for obtaining.
Sec. 38-69. - Time limit for completion.
Sec. 38-70. - Electronic billboards prohibited.
Secs. 38-71—38-96. - Reserved.

Sec. 38-64.- Required; application.

It shall be unlawful to display, erect, relocate, rebuild, reconstruct or alter any sign without first filing with the planning director or duly authorized representative an application for obtaining a sign permit.

(1) *Applicant; forms.* The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or the authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the inspections division and shall be signed by the applicant.

(2) *Approval or denial.* The planning director or duly authorized representative shall, within ten working days of the date of the application, either approve or deny the application or refer the application back to applicant in any instance where insufficient information has been furnished.

(Ord. No. 08-23-2006, art. IV, § 1, 8-23-2006)

Sec. 38-65.- Submission of plans with application; contents.

Every application for a permit under this article shall be accompanied by a plan or plans drawn to scale of the proposed sign and all existing signs maintained on the premises, and shall include:

- (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
- (2) The dimensions of the sign's supporting members;
- (3) The maximum and minimum height of the sign;
- (4) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
- (5) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated, existing buildings and any other signs on the property;
- (6) Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached;
- (7) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
- (8) The location by street address of the proposed sign structure;
- (9) The legal description of the property on which the sign is to be located;
- (10) An application for an electrical permit for all electric signs if the person building the sign is to make the electric connection;
- (11) A statement of valuation; and
- (12) The license numbers of the contractors who will actually be performing the work for which the permit is requested.

(Ord. No. 08-23-2006, art. IV, § 2, 8-23-2006)

Sec. 38-66.- Fees.

(a) The applicant for a sign permit shall tender the required fee according to the following schedule:

Valuation of sign	Fee	Fee, if electrified
\$0.00—\$2,000.00	\$25.00	\$50.00
\$2,001.00—\$4,000.00	\$50.00	\$75.00
\$4,001.00—8,000.00	\$75.00	\$100.00
Over \$8,000.00 or more	\$75.00 plus \$10.00 for each additional \$1,000.00 valuation	Add \$35.00

(b) Should any person actually begin any work for which a permit is required by the city without taking out a permit therefore, he shall pay a double permit fee pursuant to city policy.

(Ord. No. 08-23-2006, art. IV, § 3, 8-23-2006)

Sec. 38-67.- Deviation from terms; transferability.

(a) When a sign permit has been issued by the planning director or duly authorized representative, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval. A written record of such approval shall be entered upon the original permit application and maintained in the files of the inspections division.

(b) Permits, once approved, cannot be transferred to another sign, and the sign may not be moved to another location.

(Ord. No. 08-23-2006, art. IV, § 4, 8-23-2006)

Sec. 38-68.- Time limit for obtaining.

If a permit required by this section is not obtained within 120 days after the applicant has been notified either by documented telephone call or in writing that the plans are approved, the planning director or duly authorized representative shall assume that the application is withdrawn and may destroy the plans, specifications and calculations. Renewed action shall require a new plan.

(Ord. No. 08-23-2006, art. IV, § 5, 8-23-2006)

Sec. 38-69.- Time limit for completion.

If the work authorized under a sign permit has not been commenced and/or completed within four months after the date of issuance, such permit shall become null and void, and there shall be no refund of any fee required by this article. If there is a justifiable reason to warrant an extension, the planning director may grant such extension up to four months, provided that there is a written request made prior to the expiration of the permit.

(Ord. No. 08-23-2006, art. IV, § 6, 8-23-2006)

Sec. 38-70.- Electronic billboards prohibited.

(a) The city council adopts the following definitions in the interpretation of this section:

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the manual on uniform traffic control devices (MUTCD) approved by the federal highway administrator as the national standard.

Off-premise sign shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises

where the sign is installed and maintained.

On-premise sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign code application area shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Tex. Loc. Gov't. Code § 42.021.

(b) From and after the effective date (5-20-2008), no new construction permit shall be issued for the erection of an off-premise sign, including but not limited to a new off-premise CEVMS and the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the sign code application area.

(c) From and after the effective date (5-20-2008), no CEVMS shall be allowed within the sign code application area.

(Ord. No. 05-20-08, §§ 2, 3, 5-20-2008)

Cross reference— Sign types, § 38-10

Secs. 38-71—38-96.- Reserved.

City Ordinance – Landscaping Specifications

CODE OF ORDINANCES
Chapter 22 - ENVIRONMENT
ARTICLE V. - LANDSCAPING
DIVISION 2. - PLANS AND SPECIFICATIONS

DIVISION 2. - PLANS AND SPECIFICATIONS

Sec. 22-150. - Landscape and buffer plan approval.

Sec. 22-151. - Purpose and objectives.

Sec. 22-152. - Required landscape area.

Sec. 22-153. - Landscape buffers.

Sec. 22-154. - Location of landscape areas.

Sec. 22-155. - Credit for trees.

Sec. 22-156. - Applicability to new development or redevelopment.

Sec. 22-157. - Applicability to existing development areas; nonconformance; when compliance required.

Sec. 22-158. - Installation of materials.

Sec. 22-159. - Maintenance requirements.

Sec. 22-160. - Planting criteria.

Secs. 22-161—22-188. - Reserved.

Sec. 22-150.- Landscape and buffer plan approval.

(a) Before a building permit is issued appropriate plans showing proposed landscape development, including figures to show compliance with this article, shall be submitted to the city. A plot plan drawn to scale normally of not less than one inch equals 30 feet shall include dimensions and distances, and clearly delineate any existing and proposed landscape development. Such plot plan shall also include detailed drawings of the entire off-street parking area and the location of proposed buildings.

(b) The plan required by this section must be approved prior to issuance of a building permit.

(c) Single-family residential property is exempt from the requirements of furnishing a plan as required of other properties under this section.

(d) Prior to construction of buffers, complete plans showing type of material, depth of beam, and structural support shall be submitted to the building permit office for analysis to determine whether or not:

- (1) The screen will withstand the pressures of time and nature.
- (2) The screen adequately accomplishes the purpose for which it was intended.

Sec. 22-151.- Purpose and objectives.

In addition to those objectives stated in this article, the purpose of this division is to ensure the placement of landscape elements within off-street paved surface areas so:

- (1) As to channelize vehicular and pedestrian movement within off-street paved ground surface areas into safer and more logical patterns;
- (2) As to ensure that the off-street paved ground area and the adjacent right-of-way are clearly and visually delineated;
- (3) That physical access between each off-street paved ground area is effectively limited to established points of ingress and egress;
- (4) That those established and acceptable ingress and egress points are clearly delineated;
- (5) As to ensure that noise, glare and other distractions of movement within one area do not adversely affect activity within adjacent properties; and
- (6) As to regenerate oxygen and to reduce heat, glare, water runoff and other conditions concomitant with the construction of expanses of building or pavement within the parcel.

Sec. 22-152.- Required landscape area.

A minimum of ten percent of the area of any parcel shall be devoted to landscape development area and comply with the intent and purpose of this article and 50 percent of such landscaped area shall be visible from the street fronting the parcel. Landscape areas located within the street and alley rights-of-way shall not be credited towards meeting the minimum landscape area requirement. However, right-of-way areas shall be landscaped. Landscape areas associated with drainage detention facilities located on the parcel may be credited towards the landscape area requirement. A minimum of 50 percent of the area within the required front yard of any single-family residential parcel shall be devoted to landscape development area. The portion of the front yard for any single-family residential parcel located between the property line and the extension of the side yard setback line shall be devoted to landscape development area.

Sec. 22-153.- Landscape buffers.

- (a) A buffer shall be provided where a nonresidential use has a side or rear area contiguous to any residential use. A masonry screen may be required by the board of aldermen where a nonresidential use is separated by only a street and the residential use sides or faces the nonresidential use.
- (b) A buffer shall be provided where a multifamily use of four or more dwelling units per

structure has a side or rear area contiguous to any single-family residential use.

(c) A buffer shall be no closer to the street than the property line or landscape strip area, whichever is greater. Provisions concerning sight obstructions at intersections shall be applicable to the screen where it is intersected by a street or alley.

(d) A landscape strip area with a minimum width of ten feet, or a minimum width of five feet with a buffer shall be provided along and within the property lines of all nonresidential and multifamily uses contiguous to a public street.

(e) A 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 for properties required to be subdivided or prior to issuance of a certificate of occupancy for subdivided properties.

(f) 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.

Sec. 22-154.- Location of landscape areas.

(a) Landscape areas shall be located within 100 feet of any parking space.

(b) Landscape areas within public and private rights-of-way, 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 shall not be planted closer than six feet from the back of the curb.

Sec. 22-155.- Credit for trees.

For all nonsingle-family residential development, a minimum of one tree of at least 2½-inch caliper in size and ten feet in height shall be included and replaced as necessary as per the following ratios:

(1) When the landscape development is from one to 2,000 square feet a minimum of one tree for every 200 square feet of landscape development shall be required.

(2) When the landscape development is from 2,001 to 10,000 square feet a minimum of one tree for every 500 square feet of landscape development shall be required.

(3) When the landscape development is from 10,001 or greater square feet a minimum of one tree for every 800 square feet of landscape development shall be required.

(4) Two palm trees with a minimum of six feet of clear trunk is the equivalent of one 2½-inch caliper tree.

(5) Credit for trees.

Trees Excluding Palm Trees

<i>Caliper*</i>	<i>Number of trees</i>
Greater than six-inch caliper	three trees credit
Greater than four-inch caliper	two trees credit

*Caliper: Average diameter of the trees measured at the ground.

(6) In order to encourage the preservation of existing trees, credit shall be given to existing trees according to the following schedule:

Existing Trees Excluding Palm Trees

Credit For Trees

<i>Caliper*</i>	<i>Number of trees</i>
Greater than 12-inch caliper	Three trees credit
Greater than six-inch caliper	Two trees credit

*Caliper: Average diameter of the trees measured at the ground.

(7) The minimum planting area shall be one-half the radius of the crown spread of the tree measured from the trunk center, or not less than a radius of 2½ feet, measured from the center of the tree trunk to the near edge of the planting area. The ground surface within the planting areas shall be maintained in a porous or vegetative cover. Plastic underliners shall not be permitted.

(8) Single-family residential development shall provide a minimum of one nonpalm tree for the first 50 feet of lot frontage and one additional nonpalm tree for each additional 25 feet of lot frontage. Trees required for single-family residential development shall be located within the front yard.

Sec. 22-156.- Applicability to new development or redevelopment.

(a) The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth in this division shall apply to all developed area within the city. All new development, construction or reconstruction shall be in full compliance with the provisions of this article.

(b) If the zoning ordinances of the city would otherwise permit in excess of 90 percent total land coverage by development, the provisions of this article shall supersede and prevail over such other requirements. In no event, except as expressly permitted in this article, shall more than 90 percent of a lot or area be covered by development.

(c) If a principal use and some or all of the parking area (required or otherwise) serving the principal use are located on separate parcels, the landscape installation required in this article shall prevail as to all the property with the result that an equivalent of ten percent of the area of all parcels in complementary use shall be landscaped in compliance with the provisions of this article; provided, however, one-half of the required landscape development of one parcel

may be placed within another parcel which is being used in conjunction with the former parcel.

Sec. 22-157.- Applicability to existing development areas; nonconformance; when compliance required.

(a) All property with existing development on the effective date of this article which is not in compliance with the provisions of this article shall be considered nonconforming, and allowed to continue until such time as a building permit is granted to enlarge, extend, construct, reconstruct or structurally alter a structure on the property. At such time the provisions of this article shall apply to the previous existing paved areas as well as any new paved areas, and they shall be brought into compliance with this article. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this article. In order to encourage early landscaping on existing paved areas and the preservation of trees that are already established and growing in these areas, an additional credit of 50 square feet shall be given to the preservation of existing trees. This is in addition to the credit normally given for the preservation of an existing tree.

(b) No structure existing on the effective date of this Code of Ordinances shall be required to be altered or moved in order to comply with the provisions of this article except in the event of reconstruction.

Sec. 22-158.- Installation of materials.

All landscape materials shall be installed in a sound, workmanlike manner and according to accepted good planting procedures.

Sec. 22-159.- Maintenance requirements.

The owner of the building, or his 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 planted areas shall be provided with readily available water supply and watered regularly to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material.

Sec. 22-160.- Planting criteria.

(a) *Trees.* Trees planted for credit under this article should be a minimum of six feet in height when measured immediately after planting. In the case of palms, the required measurement should be six feet from ground level to base of palm fronds. Trees should be of a species having an average mature crown spread of greater than 15 feet in the lower Rio Grande Valley (excepting palms) and having trunks which can be maintained in a clean condition for over six feet of clear wood measured from the ground. Trees having an average mature crown spread less than 15 feet may be substituted by grouping such trees so as to create the equivalent of a 15-foot crown spread. Trees of species whose roots are likely to cause damage to public roadways or other public works should not be planted closer than 12 feet to such public works.

(b) *Shrubs.* Shrubs should be a minimum of one foot in height when measured immediately

after planting.

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

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

(e) *Lawn grass*. Grass areas should 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.

(f) *Synthetic lawns or plants*. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(g) *Architectural planters*. The use of architectural planters may be permitted in fulfillment of landscape requirements.

(h) *List of suitable trees and plants*. A list of trees, shrubs, vines, and ground covers suitable to the lower Rio Grande Valley shall be provided by the department of parks and recreation.

(i) *Landscape irrigation requirements*.

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

- a. An automatic underground irrigation system (conventional spray, bubbler, and the like);
- b. An automatic water-saving irrigation system (drip, porous pipe, leaky pipe, and the like); or
- c. A hose attachment within 100 feet of all required landscape areas and plant materials.

(2) The irrigation method used shall:

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

(3) Landscape areas utilizing xeriscape plants and installation 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 growing seasons only.

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

(5) No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(j) Xeriscape areas shall provide a minimum of 50 percent of the landscaped areas with ground cover or grasses. Xeriscape areas not covered by grasses or ground cover shall be mulched. A list of indigenous plant species for xeriscape areas shall be provided by the department of parks and recreation.

Secs. 22-161—22-188.- Reserved.

City Ordinance – Noise

CODE OF ORDINANCES
Chapter 22 - ENVIRONMENT
ARTICLE II. - NOISE

ARTICLE II. - NOISE ^[7]

⁽⁷⁾ **State Law reference**— Type A municipality may regulate certain noises, V.T.C.A., Local Government Code § 217.003(d); restricted regulation of sport shooting ranges, V.T.C.A., Local Government Code § 250.001.

Sec. 22-19. - General prohibitions.

Sec. 22-20. - Specific noise violations.

Sec. 22-21. - Injunctive, etc., remedy.

Sec. 22-22. - Fine.

Secs. 22-23—22-47. - Reserved.

Sec. 22-19.- General prohibitions.

It shall be unlawful for any person to make, continue or cause to be made or continue any loud noise or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

(Ord. No. 18, § 1, 3-10-1987)

Sec. 22-20.- Specific noise violations.

The following specific noises shall be deemed violations of this article:

- (1) *Playing radio, other musical instrument.* The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the

hours between 10:00 p.m. and 7:00 a.m., so as to disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.

(2) *Loudspeakers.* The use of any stationary loudspeaker or amplifier of such intensity that disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of 10:30 p.m. and 7:00 a.m., or at any time on Sunday.

(3) *Animals, fowl.* The keeping of any animal or bird which by causing frequent or long, continued noise shall disturb the comfort or repose of any person in the vicinity.

(4) *Horns, warning devices.* The sounding of any horn or other warning device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creating by means of any such warning device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of such warning device when traffic for any reason is held up.

(5) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other noise.

(6) *Engine mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises there from.

(7) *Compressed air devices.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(8) *Construction, demolition work.* The erection, including evacuation, demolition, alteration or repair work on any building other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in cases of urgent necessity in the interest of the public safety and convenience, and then only by permit from the city council, which permit may be renewed by the council during the time the emergency exists.

(9) *Quiet zones.* The creation of any excessive noise on any street adjacent to any church or school while the same is in session or adjacent to any hospital which reasonably interferes with the workings of such institutions, providing conspicuous sign are displayed in such manner indicating that the same is a school or church street.

(10) *Loading, unloading, opening boxes.* The creating of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(Ord. No. 18, §§ 2—11, 3-10-1987)

Sec. 22-21.- Injunctive, etc., remedy.

In the event of a violation of this article or any of its provisions by any person, corporation,

association, or any other type of business entity, its agents, servants or employees, the city may, in addition to other remedies institute any appropriate action or proceedings to prevent such violation, including the right to restrain, enjoin, correct, or abate such violation, in any court of competent jurisdiction in accordance with the laws of the state.

(Ord. No. 18, § 12, 3-10-1987)

Sec. 22-22.- Fine.

In addition to being subject to other remedies set forth in section 22-21, any person guilty of violating this article or any section thereof shall be fined not less than \$50.00 and not more than \$200.00.

(Ord. No. 18, § 13, 3-10-1987)

Secs. 22-23—22-47.- Reserved.

Utility Contacts

GOVERNMENT / UTILITY CONTACTS			
UTILITY	NAME	CONTACT	TELEPHONE
ELECTRIC	AEP 5700 N. Cage PHARR, TX 78577	ABEL RIOS, MISSION AREA ENGINEERING DEPT. CARMEN MORALES, 2 ND CONTACT	(956) 283-2326 (956) 283-2369
GAS	P.O. BOX 531827 HARLINGEN, TX. 78553	NAOMI PERALEZ COMMUNITY RELATION AREA MANAGER VICTOR LOPEZ, DEVELOPMENT	(956) 444-3953 (956) 564-0226 (CEL) (956) 357-3106 Naomi.peralez@oneguest.com
TELEPHONE	SWB 721 BEECH AVE MCALLEN, TX 78504	BRANDON LUNA, ENGINEERING DEPT.	(956) 630-8651 CL3712@ATT.COM
WATER	SHARYLAND WATER SUPPLY P.O. BOX 1868 MISSION, TX 78573	JOSE IBARRA, PROJECT MANAGER, ANCIRA HERNANDEZ (ASSISTANT)	(956) 585-6081 ahernandez@sharylandwater.com
WASTE WATER	PUBLIC WORKS DEPARTMENT 2801 N HOLLAND MISSION, TX 78572	JOAQUIN GONZALEZ (SUBDIVISON COORDINATOR)	(956) 580-8780 (956) 424-5907
STORM WATER & DRIVEWAYS	TXDOT PO BOX 1717 (Mail) 521 W. FERGUSON PHARR, TX 78577	VALENTE OLIVAREZ, JR, PHARR AREA ENGINEER ERNIE ALVARADO, 2 ND CONTACT	(956) 702- 6250 (956) 702- 6260
FIRE MARHSAL	CITY OF PALMHURST 4417 N SHARY RD PALMHURST, TX 78573	RICARDO SALDANA, CITY FIRE OFFICIAL	(956) 583-8697
CITY ENGINEER	JAVIER HINOJOSA ENGINEERING 416 E DOVE AVE MCALLEN, TEXAS 78504	JAVIER HINOJOSA, CITY ENGINEER	(956) 668-1588

BUILDING	CITY OF PALMHURST 4417 N SHARY RD PALMHURST, TX 78573	LORI A. LOPEZ, CITY MANAGER JD VELA, CITY BUILDING OFFICIAL SERGIO ZAVALA, PLANNING CONSULTANT	(956) 583-8697
US POSTAL SERVICE	MISSION POST OFFICE 901 N FRANCISCO AVE MISSION, TEXAS 78572-9998	ROBERT BAZAN, POST MASTER	(956) 585-1481
HIDALGO COUNTY DRAINAGE DISTRICT	902 N. DOOLITTLE RD EDINBURG, TX 78541	RAUL SESIN, DISTRICT MANAGER	(956) 292-7080 <i>FAX (956) 292-7089</i>
UNITED IRRIGATION DISTRICT	PO BOX 877 MISSION, TX 78573	JUAN A. MARTINEZ, GENERAL MANAGER	(956) 585-4818 <i>FAX (956) 585-9743</i>
HIDALGO COUNTY RIGHT OF WAY DEPARTMENT	509 E. EARLING RD. SAN, JUAN, TX. 78589	JAIME SALINAS, PRECINCT 3 R.O.W. AGENT CJ MORENO, PRECINCT 3 R.O.W. AGENT	(956) 283-8134 <i>FAX (956) 283-8402</i>