



PLANNING DEPARTMENT
County Of Hidalgo

Raul E. Sestin, P.E., CFM
PLANNING ADMINISTRATOR

MEMORANDUM

To: Hidalgo County Commissioners' Court

From: Raul E. Sestin, P.E., C.F.M., Planning Administrator *RS 5-11-11*

Date: May 11, 2011

Via: Court Agenda

Re: Policy of Multi-Family Developments Within Single Family Lots

C: Erika Reyna, Economic Development Planner

We have received a complaint from a developer regarding our current "policy" of allowing multi-family developments within restricted single-family lots with proper planning i.e. (off-street parking plan, ossf plan, and fire marshal approval).

We also have correspondences from both the Attorney General's Office and the Texas Water Development Board that refer to Chapter 364, Model Subdivision Rules, Section 364.37 which states "proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

I am asking the Court to consider which direction it would like to go with regard to these two differing opinions. We have no objection to either determination, but would like to obtain a final decision from the Court.

You may contact me at (956) 318-2840 with any questions regarding this matter.

Thank You.

*** END OF MEMORANDUM ***

system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular ' '285.4, 285.5 and 285.30 - 285.39. 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.

Adopted effective 2/10/00

Amended effective February 10, 2004

' 364.34. Greywater Systems for Reuse of Treated Wastewater.

- (a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the commission.
- (b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

Adopted effective 2/10/00

Amended effective February 10, 2004

' 364.35. Sludge Disposal. The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

Adopted effective 2/10/00

' 364.36. Setbacks. In areas that lack a nationally recognized fire code as listed in Local Government Code, ' 233.062(c) and lack water lines sized for fire protection, setbacks from roads and right-of-ways shall be a minimum of 10 feet, setbacks from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks are therein required.

Adopted effective 2/10/00

Amended effective February 10, 2004

' 364.37. Number of Dwellings Per Lot. 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. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

Adopted effective 2/10/00