



**NOTICE OF THE REGULAR MEETING OF
THE CITY OF SAN BENITO CITY COMMISSION
MARCH 17, 2026
5:30 PM**

**SAN BENITO MUNICIPAL BUILDING
CESAR GONZALEZ MEETING HALL
401 NORTH SAM HOUSTON BOULEVARD
SAN BENITO, TEXAS 78586**

During the course of this meeting, the City Commission may retire into Executive Session under Texas Government Code Section 551.071 (2) to consult with its legal counsel on legal matters relating to any item on this agenda when the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. The City Commission reserves the right to consider and address any of the items in this agenda in any order during the meeting.

CALL TO ORDER:

1. Roll call and possible action on the excusing of any absent member of the governing board.
2. Pledge of Allegiance to the U.S. Flag and to the Texas Flag.
3. Invocation.

ANNOUNCEMENT(S)

PUBLIC COMMENTS (Speaker remarks limited to three minutes)

- **Non-Agenda Items:** Kindly submit a "Public Comment Form" stating the City business or City policy you wish to speak to an hour before the start of the scheduled meeting time with the City Secretary. Forms are not reserved for anyone nor may time be deferred to anyone. PowerPoint presentations may not be accommodated. This period is limited to five (5) speakers with a time limit of three (3) minutes per speaker.
- **Agenda Items:** Kindly submit a "Public Comment Form" stating which item(s) on the agenda you wish to speak to an hour before the start of the scheduled meeting time with the City Secretary. Speakers will be allowed to address the Commission on the agenda item before it is to be considered. The speaker is limited to three (3) minutes.
- **Time Limits:** The City Commission shall have the discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit may be shortened to accommodate a lengthy agenda or it could be lengthened to allow additional time for discussion on a complicated matter or if there is a need for an interpreter.

PRESENTATION(S)

- Presentation of the City Manager's Report.

PUBLIC HEARING(S)

1. Public Hearing on a request for a Conditional Use Permit to place a Storage Building greater than 200 square feet at a property located at 1400 Zillock Road zoned MH “Mobile Home” bearing a Legal Description of: Being Lot Q19 out of 51.41 acres of land, more or less, out of Block One Hundred Eighteen (118), San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant in Cameron County, Texas as per map plat thereof recorded in Volume 1, Page 6, Map Records, Cameron County, Texas. Applicant: David Justice.
2. Public Hearing on a request for a Conditional Use Permit to allow an Event Center (Dance Reception) with alcohol at a property located at 119 South Sam Houston Boulevard zoned C-1 “Commercial Restricted Business”, bearing a Legal Description of Being Lot Three (3), Block Thirty-Two (32), Original Townsite of San Benito, Cameron County, Texas according to Map recorded in Volume 2, Page 5, Official Records, Cameron County, Texas. Applicant: Yvonne Quintanilla.

CONSENT AGENDA ITEM(S)

The following are considered to be routine by the City Commission and will be approved by one motion. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

1. Consideration and possible action to approve the minutes of the February 20, 2026 City of San Benito Special City Commission Meeting.
2. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2111-B, an ordinance amending Ordinance Number 2111 and Ordinance Number 2111-A, to prohibit the assessment of additional local fees for alcoholic beverage sales for food establishments that have already paid required operational fees and repealing any other ordinances in conflict therewith, as provided by the City of San Benito.
3. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AX-031726, amending Ordinance Number 2252, and any other ordinances, and codified in the Code of Ordinances in Section 12, Special Use and Regulations to add Section 12.09 Regulations for Smoke Shops and Related Retail Establishments and dealing with related matters; providing savings, repealing and severability clauses; and providing an effective date.
4. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AY-031726, an ordinance of the City of San Benito, Texas, amending Ordinance Number 2252, the Zoning Ordinance of the City, providing amendments to the zoning regulations, providing enforcement, repealing all ordinances in conflict, and providing an effective date.

5. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AZ-031726, a request to rezone properties located at 1010 and 1020 Ratliff Street bearing a Legal Description of: Being Lot One (1) Two (2) and Three (3) Block One Emma Porter Estates San Benito, Cameron County, Texas according to the Plat thereof recorded in Cabinet 1, Page 848-A, Map Records of Cameron County, Texas from HI "Heavy Industry" to C-2 "Commercial General Retail Business". Applicant: Charles Ratliff.
6. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BA-031726, a request to rezone a property located at 762 East Otho Street bearing a Legal Description of: Lot Twelve (12) Block Four (4) Third Addition to the City of San Benito, Cameron County, Texas according to the Map or said Addition recorded in Volume 2, Page 5 of the Map Records of Cameron County, Texas from SF-1 "Single Family One" to C-2 "Commercial General Retail Business". Applicant: Alma Delia Cantu.
7. Consideration and possible action on the Second and Final Reading of Ordinance Number 2252-BB-031726, a request to rezone a property located at 1123 East Eighth Street bearing a Legal Description of: Being 10.0-acre tract of land out of Block 27, San Benito Land and Water Company Subdivision, Cameron County, Texas as per map thereof recorded in Volume 1, Page 6, Map Records, Cameon County, Texas, and further being out of certain 20.00 acre tract recorded in Volume 14147, Page 159, Official records, Cameron County, Texas from AO "Agriculture and Open Space" to C-2 "Commercial General Retail Business". Applicants: Francisco and Miriam Galindo.
8. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BC-031726, a request to rezone a property located at 351 Cesar Gonzalez Parkway bearing a Legal Description of: Being 5.01 acres of land out of the Southwest 10.0 acres out of the Southeast One-Quarter of Block 6, San Benito Land and Water Company Subdivision, according to Map recorded in Volume 1, Page 6, Map Records, Concepcion De Carricitos Grant, Cameron County, Texas from LI "Light Industry" to C-2 "Commercial General Retail Business". Applicant: Ovidio De La Fuente III.
9. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BD-031726, a request to rezone a property located at 780 South Fannin Street bearing a Legal Description of: Being the South 35 feet of Lot Six (6), all of Lots Seven (7) and Eight (8) and the North One-Half (1/2) of Lot Nine (9), Wilkinson Subdivision, an addition to the City of San Benito, Texas, according to the map or plat thereof recorded in Volume 6, Page 55, Map records of Cameron County, Texas from SF-1 "Single Family One" to C-2 "Commercial General Retail Business". Applicant: Antonio Vasquez.

10. Consideration and possible action on the Second and Final Reading of Ordinance Number 2252-BE-031726, a request to rezone a property located at 942 East Stenger Street bearing a Legal Description of: Tract I: A 1.44 acre of land being a portion of Block Two (2) of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas and Tract II: Being a 0.31 acre tract of land, being part of Block (2), of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas from C-1 “Commercial Restricted Business” to MH “Mobile Home”. Applicants: Carlos and Alicia Ruiz.
11. Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2546-01, an ordinance of the City of San Benito, Texas, amending Ordinance Number 2546 and any other amending ordinances codified in the Code of Ordinances pertaining to "Flood Damage Prevention", repealing all ordinances in conflict, and providing for an effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

1. Consideration and possible action to approve a request for a Conditional Use Permit to place a Storage Building greater than 200 square feet at a property located at 1400 Zillock Road zoned MH “Mobile Home” bearing a Legal Description of: Being Lot Q19 out of 51.41 acres of land, more or less, out of Block One Hundred Eighteen (118), San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant in Cameron County, Texas as per map plat thereof recorded in Volume 1, Page 6, Map Records, Cameron County, Texas. Applicant: David Justice.
2. Consideration and possible action to approve a request for a Conditional Use Permit to allow an Event Center (Dance Reception) with alcohol at a property located at 119 South Sam Houston Boulevard zoned C-1 “Commercial Restricted Business”, bearing a Legal Description of Being Lot Three (3), Block Thirty-Two (32), Original Townsite of San Benito, Cameron County, Texas according to Map recorded in Volume 2, Page 5, Official Records, Cameron County, Texas. Applicant: Yvonne Quintanilla.
3. Consideration or possible action to ratify Resolution Number 2026-0317-001(R), authorizing the Mayor or his designee to approve the application and acceptance of any Operation Lonestar Grant Number 5195203 that the Officer of the Governor issues for a period of performance of September 1, 2026, through August 31, 2027.
4. Consideration and possible action to ratify the agreement with Carpe Nox Industries LLC for services rendered for the Hog Waddle Festival 2026 and authorize payment in the total amount of \$37,500.00.
5. Consideration and possible action to approve the purchase of one tractor trailer from Doggett Freightliner of South Texas, LLC for the Public Works Department in the amount of \$37,900.00.

ADJOURNMENT

Note: The City of San Benito does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the City Secretary at (956) 361-3800, Extension 103, by Monday, no later than 5:00 P.M., to make proper arrangements.

Dated:

CITY OF SAN BENITO

Ricardo Guerra

Honorable Ricardo Guerra
Mayor

STATE OF TEXAS
COUNTY OF CAMERON

§
§

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the City of San Benito City Commission is a true and correct copy of said Notice posted on the front outdoor bulletin board cabinet for agendas at the San Benito Municipal Building, 401 North Sam Houston Boulevard, in San Benito, Texas, a place convenient and readily accessible to the general public at all times which has been continuously posted for a period of three (3) business days prior to the date and time said meeting was convened. This agenda may be downloaded by accessing: <http://cityofsanbenito.com/AgendaCenter>.

ATTEST:



Ruth McGinnis

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Presentation of the City Manager's Report.

RECOMMENDATION:

No Action. Presentation Only.

RATIONALE:

To receive an informational update from the City Manager regarding current municipal operations, administrative activities, and significant projects or issues affecting the City.

BUDGET IMPACT:

None.

RESOURCE PERSONNEL:

Fred Sandoval, City Manager

EXHIBITS: None

PREPARED BY: Fred Sandoval
 City Manager

01/17/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager



EXECUTIVE SUMMARY

REQUEST:

Public Hearing on a request for a Conditional Use Permit to place a Storage Building greater than 200 square feet at a property located at 1400 Zillock Road zoned MH “Mobile Home” bearing a Legal Description of: Being Lot Q19 out of 51.41 acres of land, more or less, out of Block One Hundred Eighteen (118), San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant in Cameron County, Texas as per map plat thereof recorded in Volume 1, Page 6, Map Records, Cameron County, Texas. Applicant: David Justice.

RECOMMENDATION:

Public Hearing, No Action.

RATIONALE:

A Public Hearing Notice was published in the San Benito News on February 13, 2026. Public Hearing Notices were mailed to the property owners within a 200’ radius of the subject property.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

200' Radius Map
Public Hearing Notice

PREPARED BY: **Monica L. Rodriguez**

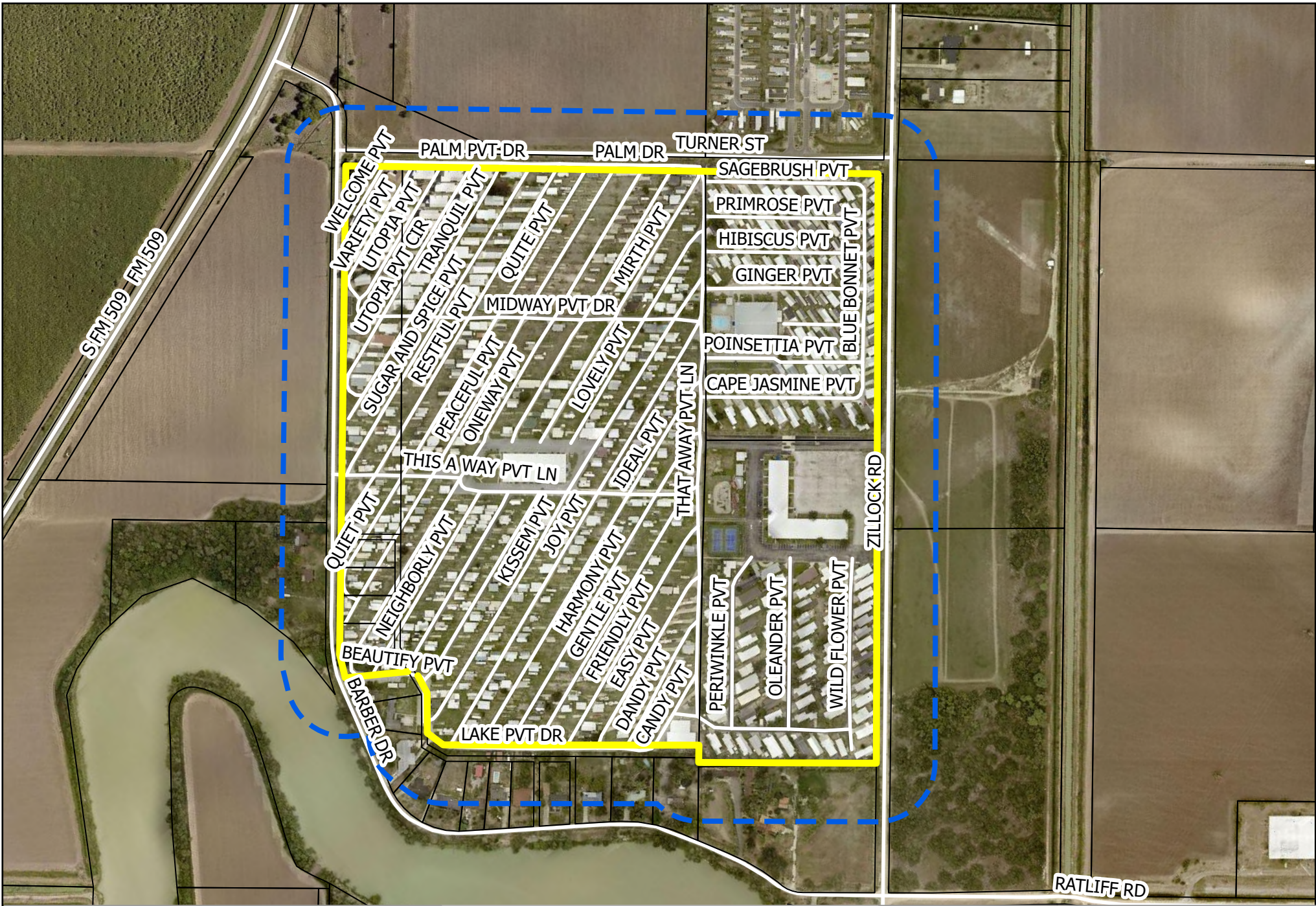
Planning Manager

03/11/2026

Date





Fred R. Sandoval


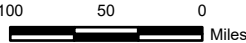
Fred Sandoval
City Manager



200' Radius Map
1400 Zillock Rd. Lot Q19
Conditional Use Permit Storage Shed

Legend

-  PROPERTY LINES
-  200' RADIUS
-  CCAD_COSB_PARCELS
-  STREETS

PUBLIC NOTICES

PUBLIC NOTICES

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CITY OF SAN BENITO NOTICE OF PUBLIC HEARING

The City of San Benito Planning & Zoning Commission will conduct a Regular Meeting to consider the following items in a Public Hearing on Thursday, February 26, 2026 at 5:45 p.m. In addition, the San Benito City Commission will consider the same items, in a Public Hearing on Tuesday, March 17, 2026, at 5:30 p.m. in the City San Benito Municipal Building (Cesar Gonzalez Meeting Hall) located at 401 N. Sam Houston Boulevard to receive comments on the following requests:

Conditional Use Permits:

Public Hearing: To solicit input regarding a request for a Conditional Use Permit to place a Storage Building greater than 200 square feet at a property located at 1400 Zillock Road zoned MH "Mobile Home" bearing a Legal Description of: Being Lot Q19 out of 51.41 acres of land, more or less, out of Block One Hundred Eighteen (118), San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant in Cameron County, Texas as per map plat thereof recorded in Volume 1, Page 6, Map Records, Cameron County, Texas. Applicant: David Justice.

Public Hearing: To solicit input regarding a request for a Conditional Use Permit to allow an Event Center (Dance Reception) with alcohol at a property located at 119 South Sam Houston Boulevard zoned C-1 "Commercial Restricted Business", bearing a Legal Description of Being Lot Three (3), Block Thirty-Two (32), Original Townsite of San Benito, Cameron County, Texas according to Map recorded in Volume 2, Page 5, Official Records, Cameron County, Texas. Applicant: Yvonne Quintanilla.

The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information, please call the Planning Department at (956) 361-3800 Ext. 405.

El publico esta invitado a atender y expresar su apoyo o oposicion para la solicitud. Si desea información en español, por favor de llamar al Departamento de Planificación de la ciudad de San Benito a (956) 361-3800 Ext. 405.

(2-13-26)



EXECUTIVE SUMMARY

REQUEST:

Public Hearing on a request for a Conditional Use Permit to allow an Event Center (Dance Reception) with alcohol at a property located at 119 South Sam Houston Boulevard zoned C-1 “Commercial Restricted Business”, bearing a Legal Description of Being Lot Three (3), Block Thirty-Two (32), Original Townsite of San Benito, Cameron County, Texas according to Map recorded in Volume 2, Page 5, Official Records, Cameron County, Texas. Applicant: Yvonne Quintanilla.

RECOMMENDATION:

Public Hearing, No Action.

RATIONALE:

A Public Hearing Notice was published in the San Benito News on February 13, 2026. Public Hearing Notices were mailed to the property owners within a 200’ radius of the subject property.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

200' Radius Map
Public Hearing Notice

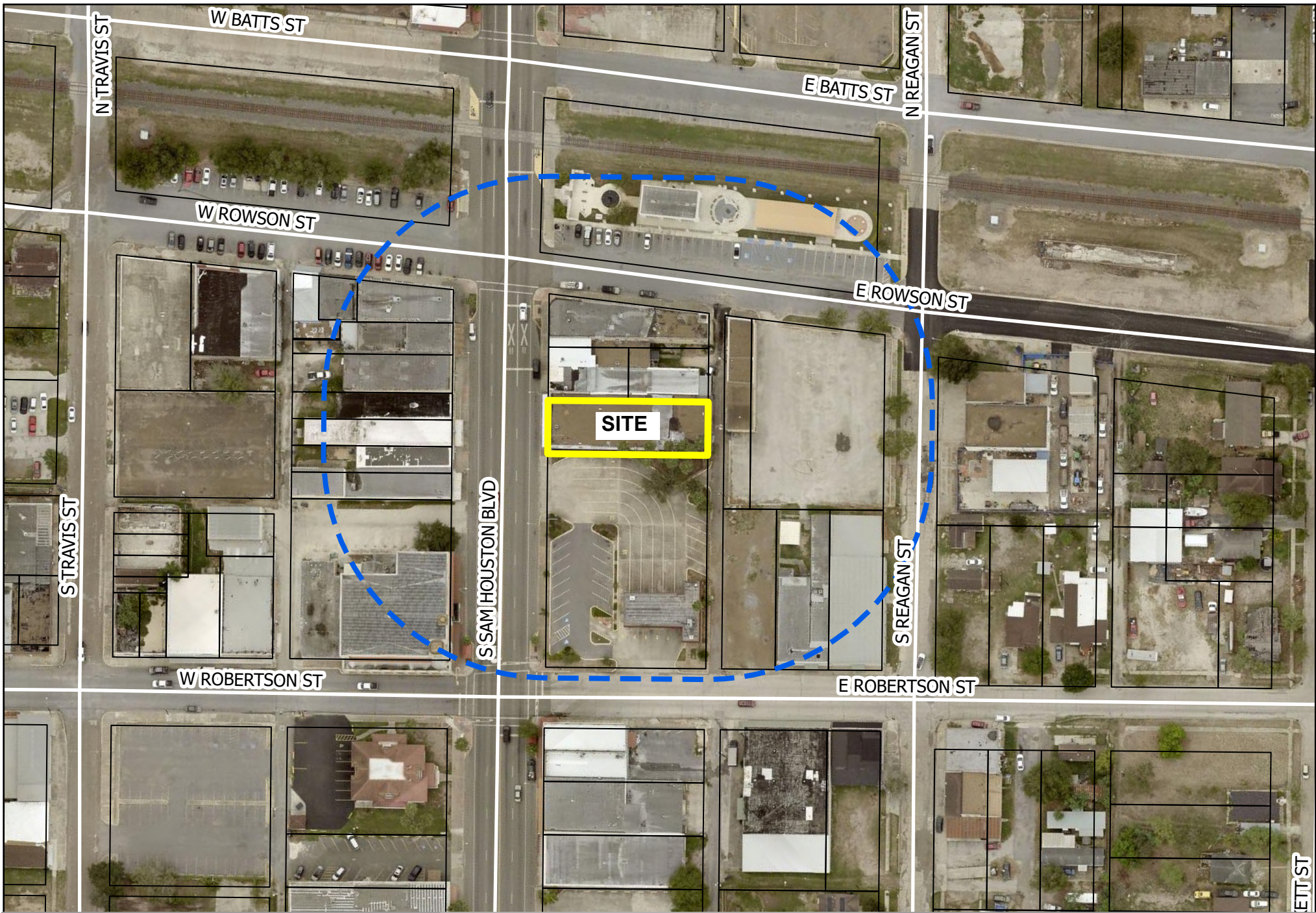
PREPARED BY: **Monica L. Rodriguez**

Planning Manager

03/11/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager

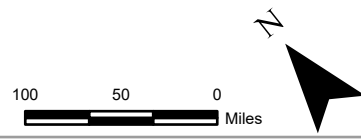


200' Radius Map
119 S. Sam Houston Blvd.
Conditional Use Permit (Alcohol)



GIS Map Disclaimer:
 This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to verify the usability of the information. City of San Benito and software developers assume no legal responsibility for the information on these maps.

Drawn by: KC



- Legend**
- PROPERTY LINES
 - 200' RADIUS
 - CCAD_COSB_PARCELS
 - STREETS

PUBLIC NOTICES

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CITY OF SAN BENITO NOTICE OF PUBLIC HEARING

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The public is hereby invited to attend and express their support or opposition to the request. You may also file a written notice supporting or protesting this action. For more information, please call the Planning Department at (956) 361-3800 Ext. 405.

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(2-13-26)



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the minutes of the February 20, 2026 City of San Benito Special City Commission Meeting.

RECOMMENDATION:

City Administration recommends approval.

RATIONALE:

Upon approval of minutes, they will be archived in a permanent docket.

BUDGET IMPACT:

None.

RESOURCE PERSONNEL:

Ruth McGinnis, City Secretary

EXHIBITS:

Minutes - February 20 2026 - Special City Commission Meeting

PREPARED BY: Ruth McGinnis
City Secretary

03/11/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager



MINUTES OF THE CITY OF SAN BENITO SPECIAL CITY COMMISSION MEETING

On February 20, 2026, the City Commission convened for a Special City Commission Meeting at the San Benito Municipal Building, Cesar Gonzalez Meeting Hall, 401 North Sam Houston Boulevard, San Benito, Texas.

City Commission Members Present: Ricardo Guerra, Mayor; Tom Goodman, Mayor Pro Tem; Deborah A. Morales, Commissioner, Place 2, and Jose E. Navarro, Commissioner Place 4.

City Commission Member Absent: Pete A. Galvan, Commissioner Place 3; City Attorney Javier Villalobos, and Attorney Eric Flores.

City Administration Personnel Present: Fred Sandoval, City Manager, Diana C. Garza, Assistant City Manager, and Ruth McGinnis, City Secretary.

ITEM 1. WELCOME

Mayor Ricardo Guerra called the meeting to order at 12:04 p.m., confirming a quorum.

PUBLIC COMMENTS (Speakers/Remarks limited to three minutes).

Ruth McGinnis, City Secretary, announced Noah Rodriguez, resident of San Benito, expressed his concerns about the Flock camera system located along Sam Houston Boulevard. He referenced a reported incident in Denver, Colorado, in which an individual was allegedly investigated after being flagged by the system's artificial intelligence and later cleared. He continued with regards to potential privacy implications, including the storage and sharing of data through a national database and the volume of information collected by the cameras when vehicles pass through monitored areas and raised questions about possible Fourth Amendment considerations and whether the decision to install the cameras was made by the City or solely by the Police Chief.

No additional public comments.

ITEM(S) FOR INDIVIDUAL CONSIDERATION

ITEM 1. CONSIDERATION AND POSSIBLE ACTION TO APPROVE ORDER NUMBER 2026-002 CALLING THE CITY OF SAN BENITO SPECIAL ELECTION TO BE HELD ON MAY 2, 2026, FOR THE PURPOSE OF ELECTING A COMMISSIONER, PLACE 3.

Mayor Ricardo Guerra asked if there were any questions pertaining to Order Number 2026-002. None received.

Mayor Pro Tem Tom Goodman moved to approve Order Number 2026-002 calling for the City of San Benito Special Election to be held on May 2, 2026 for the purpose of electing a Commissioner, Place 3, seconded by Commissioner Deborah A. Morales, and carried unanimously.

ADJOURNMENT.

There being no further business to come before the Commission, upon duly made motion [Mayor Ricardo Guerra](#) announced ADJOURNMENT AT 12:10 P.M.

CITY OF SAN BENITO

HONORABLE RICARDO GUERRA
MAYOR

ATTEST:

RUTH MCGINNIS
CITY SECRETARY



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2111-B, an ordinance amending Ordinance Number 2111 and Ordinance Number 2111-A, to prohibit the assessment of additional local fees for alcoholic beverage sales for food establishments that have already paid required operational fees and repealing any other ordinances in conflict therewith, as provided by the City of San Benito.

RECOMMENDATION:

Staff recommends approval.

RATIONALE:

The proposed amendment to Ordinance No. 2111 is necessary to ensure compliance with Senate Bill 1008 and Texas Alcoholic Beverage Code Section 437.01235. Senate Bill 1008 amended state law to prohibit local governmental entities from requiring a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment to pay an additional fee to sell alcoholic beverages if the establishment has already paid the required permit or licensing fee to the appropriate state or local authority. Texas Alcoholic Beverage Code Section 437.01235 codifies this prohibition.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS: Ordinance 2111-B

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval

City Manager

ORDINANCE NUMBER 2111-B

AN ORDINANCE AMENDING ORDINANCE NO. 2111 AND 2111-A TO PROHIBIT THE ASSESSMENT OF ADDITIONAL LOCAL FEES FOR ALCOHOLIC BEVERAGE SALES FOR FOOD ESTABLISHMENTS THAT HAVE ALREADY PAID REQUIRED OPERATIONAL FEES AND REPEALING ANY OTHER ORDINANCES IN CONFLICT THEREWITH, AS PROVIDED BY THE CITY OF SAN BENITO.

WHEREAS, Vernon’s Texas Codes Annotated (V.T.C.A), Alcoholic Beverages Code §109.33 provides that the governing bodies of any city or town within the corporate limits, said city or town may prohibit the sale of alcoholic beverages by any dealer where the place of business is within 300 feet of any church, public school, or public hospital, and;

WHEREAS, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq. provides among other things that all incorporated cities and towns are authorized to regulate the sale of beer within the corporate limits of such cities and towns by ordinance and may thereby prescribe the opening and closing hours for such sale; and such cities and towns may also designate certain zones or sections of said cities and towns where such regulations for opening and closing hours for the sale of beer shall be observed or where such sales may be prohibited. And further, that all incorporated cities and towns are authorized in adopting charter amendments or ordinances to distinguish between retailers selling beer for consumption on the premises where sold and those retailers, manufactures, or distributors selling not for consumption on the premises were sold, and to provide for separate and distinct regulations.

WHEREAS, the Texas Legislature adopted **Senate Bill 1008 (88th Legislature, Regular Session)**, effective September 1, 2025, which prohibits a municipality from imposing a fee, charge, or assessment based on or conditioned on the issuance of a Texas Alcoholic Beverage Commission permit or license unless expressly authorized by state law; and

WHEREAS, the Legislature further enacted **Texas Alcoholic Beverage Code §437.01235**, which prohibits a local governmental entity from requiring a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment to pay an additional fee to sell alcoholic beverages if the entity has already paid a fee to operate to the department, county, municipality, or public health district;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS;

SECTION I. Prohibited Locations and Distance Requirements

That hereafter it shall be unlawful to sell or offer for sale any alcoholic beverage for on premises consumption by any dealer where the place of business of any such dealer is within 300 feet of any church, public school, or public hospital, within the corporate limits of the City of San Benito, Texas, and no license or permit shall ever be issued to any dealer or person engaged in handling liquors as described in V.T.C.A. If your premises is within 1,000 feet from a public or private school, written notice of the application must be given to the school officials, and a copy of the notice must be provided with the state application as required by Section 109.33(c). Alcoholic Beverages Code or public hospital, said measurements to be along the property line of the street fronts and from door to front door and in the place of business where alcoholic beverages are sold and the public schools shall be from the nearest property line of the public school of business, along street lines and in direct line across intersections. For any permit or license covering a premise where minors are prohibited from entering the premises under

Section § 109.53, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

SECTION II. Hours of Sale

That the hours of sale within the corporate limits of the City of San Benito, Texas, of beer or other alcoholic beverages shall be as prescribed in V.T.C.A. Alcoholic Beverages Code §105.01, §105.03, §105.04 and § 105.05 further on weekdays alcoholic beverages, including beer, can be sold within the corporate limits of the City of San Benito on weekdays only between the hours of 7:00 A.M. and 12:00 Midnight, Saturday from 7:00 A.M. to 1:00 A.M., and on Sunday from 10:00 A.M. to 12:00 A.M. on Sundays Alcoholic Beverages may be sold between the hours of 10:00 A.M. and 12:00 Noon provided that food service must accompany the sale during those hours.

SECTION III. Local Licensing Requirements

That there is hereby levied license fees to be paid to the City of San Benito of one half of the State License fees on every person, co-partnership, corporation, association or group of persons, manufacturing or brewing for the purpose of sales, or selling or distributing vinous or malt liquors or beer containing one half of one percent or more of alcohol by volume and more than three and two-tenths per centum of alcohol of weight, within the City limits of the City of San Benito, in accordance with the classifications and scale set of in V.T.C.A. Alcoholic Beverages Code.

The terms “beer”, “manufacturer”, “general distributor”, “local distributor”, “retail dealer”, “person” and all other terms used in this ordinance shall be constructed as defined in the Alcoholic V.T.C.A., Alcoholic Beverages Code, which definitions and constructions are hereby specially made a part of this ordinance.

After this ordinance shall become effective it shall be unlawful for any person to manufacture or brew for the purpose of sale or to sell or distribute any beer without first having applied for and secured a license as herein provided from the City Secretary of the City of San Benito in his official capacity as collector of taxes of said City for the use and benefit of the general fund of said City. The annual license fees to be levied by the city hall always be half the fee charged by the state.

SECTION IV. Conditional Use Permit for Alcohol Sales

The sale of alcoholic beverages shall be permitted only upon the issuance of a Conditional Use Permit (CUP), in accordance with this Code and as identified in the City’s Land Use Chart. No person or business shall sell or offer for sale any alcoholic beverages unless a CUP has first been approved by the City for the specific use and location, and all conditions of approval are complied with.

SECTION V. Issuance and Renewal of Licenses

All licenses issued under the terms of this ordinance shall terminate the same date as the T.A.B.C. State License, and no license shall be issued for a longer term than two years. On or before the expiration date, each and every person, firm, or corporation, owning a license issued under the terms of this ordinance, may submit a written application filed with the City Tax Collector not more than 30 days prior to the expiration date to renew such license held by him. Such application shall be in writing and signed by the application, and shall contain the information required in regard to the original application for the license.

All license fees shall be paid in advance before the license is issued or renewed. Such license shall cover the same period of time as the date on state license.

No person shall be issued a license under the terms of this ordinance until he shall have first obtained a paid receipt from the Tax Collector of Cameron County, Texas, in the classification and valid for the period applied for, which he shall display to the City Secretary before such City license shall be issued.

Each application for a license shall be in writing and shall give the name of the person to whom a license is to be issued, the lot and block number, and house number of the premises on which such beer is to be sold, and shall state that a Cameron County tax receipt has been issued by the County Tax Collector of Cameron County, Texas, to such applicant for the sale of beer in Cameron County, Texas and shall give the date and number of such license and shall state the classification for which the license was obtained from such County Tax Collector.

All persons obtaining a license under this ordinance shall at all times keep such license on display in some conspicuous place in the house where such business is conducted.

Upon complying with the provisions of this ordinance and the payment of the license fee herein provided for the classification of license applied for, the City Secretary shall issue the proper license which shall be by him signed, be under the seal of the City of San Benito, and shall as far as practicable contain the terms provided by law for licenses issued by the County Tax Collector.

No retail dealer shall carry on the same business at more than one place under the same license, but a separate license must be obtained for each place of business. No license may be assigned to another person.

SECTION VI. Penalties and Severability

Any person, firm or corporation violating any provision of this ordinance shall upon conviction be fined in accordance of State Law as set forth in V.T.C.A. Alcoholic Beverage Code and each violation of this ordinance shall constitute a separate offense.

If any one or more sections, sub-sections, paragraphs, sentences, words or phrases of this ordinance be invalid, then such invalid portion or portions shall not in any way affect the remainder of this ordinance, and it is hereby declared to be the intent of the City Commission of the City of San Benito, that the valid portions of this ordinance shall constitute an ordinance of the City of San Benito, and that they do ordain and enact such valid portions notwithstanding the invalidity of such invalid portion or portions.

SECTION VII. State Law Compliance - Alcoholic Beverage Fees

The City shall not impose any fee, charge, or assessment that is based on or conditioned upon the issuance or holding of a Texas Alcoholic Beverage Commission permit or license, unless expressly authorized by state law, in accordance with Texas Senate Bill 1008.

The City further acknowledges and adopts Texas Alcoholic Beverage Code §437.01235, which provides that a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment that has paid a fee to operate to the Department of State Health Services, a county, a municipality, or a public health district **may not be required to pay an additional local fee to sell alcoholic beverages.**

Nothing in this section limits the City's authority to regulate alcoholic beverage sales through zoning, distance requirements, hours of sale, or Conditional Use Permits adopted for land use and public safety purposes.

Section VIII. Effective Date

FIRST READING of this ordinance before the City Commission of the City of San Benito at its Regular City Commission Meeting on this the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular Meeting of the City Commission of the City of San Benito, Texas on this 17th day of March, 2026.

CITY OF SAN BENITO

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AX-031726, amending Ordinance Number 2252, and any other ordinances, and codified in the Code of Ordinances in Section 12, Special Use and Regulations to add Section 12.09 Regulations for Smoke Shops and Related Retail Establishments and dealing with related matters; providing savings, repealing and severability clauses; and providing an effective date.

RECOMMENDATION:

Staff recommends approval.

RATIONALE:

This ordinance is being adopted pursuant to the authority granted to home-rule municipalities under the Texas Local Government Code, including Chapters 51, 54, and 211, which authorize municipalities to enact ordinances to protect the public health, safety, morals, and general welfare, and to regulate land use and business operations within their jurisdiction. This ordinance aligns with these statutory provisions by establishing reasonable zoning, operational, and location-based regulations for smoke shops.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Ordinance 2252-AX-031726

PREPARED BY: **Monica L. Rodriguez**

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager

ORDINANCE NUMBER 2252-AX-031726

AMENDING ORDINANCE NO. 2252, AND ANY OTHER ORDINANCES, AND CODIFIED IN THE CODE OF ORDINANCES IN SECTION 12, SPECIAL USE AND REGULATIONS TO ADD SECTION 12.09 REGULATIONS FOR SMOKE SHOPS AND RELATED RETAIL ESTABLISHMENTS AND DEALING WITH RELATED MATTERS; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted in accordance with the home rule powers of the City of San Benito, granted under the Texas Constitutions and statues of the State of Texas and

WHEREAS, the City is authorized by the Texas Local Government Code 51.001 to adopt or amend any ordinance that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, Chapter 54 of the Texas Local Government Code authorizes the City to adopt a fine or penalty for the violation of a rule, ordinance, or other police regulation; and

WHEREAS, Section 54.004 allows the City to enforce ordinances necessary to protect health life, and property, and to preserve the good governments, order, and the security of the municipality and its inhabitants; and

WHEREAS, Chapter 211 of the Texas Local Government Code authorizes the City to adopt zoning regulations for the purpose of promoting public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, as of September 1, 2019, it is against Texas law for stores to sell or give e-cigarettes, regular cigarettes, and other tobacco products to young adults and children 20 years and younger, and for young adults and children 20 years and younger to possess or use those tobacco products; and

WHEREAS, e-cigarette retailers tend to offer for sale consumables containing Cannabidiol (CBD), tetrahydrocannabinol (THC), Delta-8 tetrahydrocannabinol (also called Delta -8 THC or Delta-8) Delta-9 tetrahydrocannabinol (Delta-9 or Delta 9 THC), Delta 10 tetrahydrocannabinol (Delta-10 or Delta 10 THC) or Tetrahydrocannabinolic acid (THCA) products; and

WHEREAS, the regulation of vape shops and related retail establishments is necessary and in the interests of public health, safety, and general welfare because there is substantial likelihood of the establishment and operation of such stores in the City, the expansion of which could result in undesirable impacts to the community; and

WHEREAS, among these impacts are increased potential for sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened

risk of negative aesthetic impacts, blight and loss of property values of residential neighborhoods and businesses in close proximity to such uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION 1: Definitions

For purpose of this ordinance the following definitions apply:

Vaping device: any electronically powered or battery powered device designed to simulate the smoking of tobacco cigarettes pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes) electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

Vape Shop: A commercial establishment that sells vaping products, including e-cigarettes, e-liquids, or related accessories, including flavored vaping products as defined herein. This definition shall be construed to include establishments known variously as vape lounges and similar establishments but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage or gasoline fuel sales.

Cannabis-Related Business: Any business that sells, distributes, or markets cannabis, hemp-derived products, or cannabinoids, including CBD stores and dispensaries, where permitted by state law.

Sensitive Area: Any location designated as a Drug-Free Zone under Texas Health and Safety Code 481.134, including but not limited to:

- 1) Schools, institutions of higher education, and educational facilities.
- 2) Childcare facilities and day care centers.
- 3) Video arcade facilities.
- 4) Parks, playgrounds, walking trails and recreational areas.
- 5) Youth and community centers.
- 6) Libraries
- 7) Church mosque temple synagogue or other faith-based institution.
- 8) General residential operation (a child-care facility that provides care for seven or more children for 24 hours a day, including facilities known as residential treatment centers and emergency shelters)

Residential Zone: designated area within the municipality primarily used for housing and living purposes, included but not limited to AO “Agriculture and Open Space, MF “Multi-Family Residential, MH “Mobile Home”, SF-1 “Single Family One”, SF-2 Duplex, Residential and PDD Planned Development District used for residential purposes.

SECTION 2: Proximity, Location Restrictions and Other Restrictions

- a) **Distance Requirement:** Vape shops and cannabis-related shops are prohibited from operating within one thousand feet (1,000) of a sensitive area or where otherwise prohibited by the city's zoning regulations.
- b) **Business Concentration Restriction:** No “Smoke, Tobacco, Vaping or Similar Product-type Store or Shop” shall not be permitted within a half mile (1/2) radius of any other vape shop.
- c) **Temporary and Pop-Up Vendors:** Temporarily or pop-up vendors selling vape or smoke products are prohibited from operating within one thousand feet (1,000) of any Sensitive Area.
- d) **Zoning Compliance:** Vape shops must comply with zoning regulations as set forth in the land use chart in Chapter 14 exhibit 14-A.
- e) **Distance Measurement Standard:** All distance measurements shall be made in a straight line without regards to intervening structures or objects from the nearest point on the property line of a vape shop to a sensitive areas or religious organization.
- f) **No outside sales.** Sales outside of a vape shop structure are prohibited.
- g) **Hours of operation.** Hours of operation are limited to: 8am- 10pm.

SECTION 3: Advertisement Restrictions

- a) **Compliance with Federal, State and Local Regulations:** In addition to the advertising restrictions provided for herein all advertising and promotional activities for vape shops and cannabis-related shops must comply with all applicable federal state and local regulations
- b) **Proximity-Based Advertising Restrictions:** No outdoor advertisements, signage, or promotional materials for vape shops, vape or vape related products may be placed within 1,000 feet of any Sensitive Area.

SECTION 4: Grandfathering and Exceptions

- a) Any vape, smoke, or cannabis-related shop legally established prior to the adoption of this ordinance may continue operations at its existing location, even if it does not comply with Proximity and Location Restrictions.
- b) If such a business relocates or reopens after a closure of more than ninety 90 days, the location

must comply with all provisions of this ordinance.

SECTION 5: Enforcement and Compliance

- a) **Regulatory Oversight:** Enforcement of this ordinance shall be the responsibility of the City Manager or City Manager's designee, which may include but is not limited to the City's law enforcement officers, building officials or code compliance officers.
- b) **Inspections and Monitoring:** The designated authority may conduct periodic inspections to ensure compliance with this ordinance. Complaints regarding violations may be reported to the designated enforcement department or employee, which shall investigate and take appropriate action.

SECTION 6: Savings and Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: Severability Clause

It is hereby declared to be the intention of the City Commission of the City of San Benito that sections, paragraphs, sentences, clauses and phrases of this code are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance since the same would have been enacted by the City Commission without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, paragraph or section.

SECTION 8: Penalty

Any person, firm, entity, or corporation who violates any provision of this Ordinance or the Land Use Chart, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in a sum not exceeding Five Hundred (\$500.00). Each continuing days violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing a suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

FIRST READING of this ordinance before the City Commission of the City of San Benito at its Regular City Commission Meeting on this the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular Meeting of the City Commission of the City of San Benito, Texas on this 17th day of March, 2026.

CITY OF SAN BENITO

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AY-031726, an ordinance of the City of San Benito, Texas, amending Ordinance Number 2252, the Zoning Ordinance of the City, providing amendments to the zoning regulations, providing enforcement, repealing all ordinances in conflict, and providing an effective date.

RECOMMENDATION:

Staff recommends approval.

RATIONALE:

The Zoning Ordinance is being amended to align with the Comprehensive Plan. The amendments include the creation of a Downtown Overlay (DT-O)/C-2 District and revisions to the Landscaping Ordinance.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Zoning Ordinance 2252

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager

ORDINANCE #2252-AY-031726

AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS, AMENDING ORDINANCE NUMBER 2252, THE ZONING ORDINANCE OF THE CITY; PROVIDING AMENDMENTS TO THE ZONING REGULATIONS; PROVIDING ENFORCEMENT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of San Benito, Texas, has the authority under Chapter 211 of the Texas Local Government Code to adopt and amend zoning regulations within the corporate limits of the City; and

WHEREAS, Ordinance Number 2252 constitutes the Zoning Ordinance of the City of San Benito; and

WHEREAS, the City Commission finds it necessary and in the best interest of the public health, safety, and general welfare to amend certain provisions of the zoning regulations; and

WHEREAS, said amendments are intended to promote orderly development, protect property values, ensure compatibility of land uses within the City; and further the goals and objectives identified in the 2026 San Benito Comprehensive Plan; and

WHEREAS, all public hearing requirements required by state law and the City's zoning ordinance have been satisfied;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN BENITO, TEXAS:

SECTION 1.

Ordinance Number 2252, the Zoning Ordinance of the City of San Benito, Texas, is hereby amended as set forth herein

SECTION 2.

The amendments adopted herein are hereby incorporated into and made a part of the zoning ordinance of the City of San Benito and shall be administered and enforced in accordance with applicable provisions of the City Code and state law.

SECTION 3. ENFORCEMENT.

This ordinance shall be enforced by the appropriate officials of the City of San Benito. Any person violating any provision of this ordinance shall be subject to the penalties provided in the City's Code of Ordinances and applicable state law.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption and publication as required by law.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of **March, 2026**.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of **March, 2026**.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary

CITY OF SAN BENTIO
ZONING ORDINANCE 2252

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CHAPTER 1: ZONING DISTRICTS ESTABLISHED

SECTION 1: Short Title

These regulations will be known and may be cited as the Zoning Ordinance of the City of San Benito, Texas.

SECTION 2: Rules for Interpretation of District Boundaries

- A. District boundaries as shown on the Zoning District map usually are along streets, highways, alleys, or property lines. Should there be a question as to the boundaries of the district, the following shall apply.
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed following such lot lines;
 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
 4. Boundaries indicated as following railroad lines shall be construed to be the Centerline of the main tracks;
 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 6. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 7. Where physical or cultural features existing on the ground are at variance with those shown the Official Zoning Map, the Commission shall interpret the district boundaries.
 8. When streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the Director of Planning may apply the district designations on the map to the streets or alleys on the ground in such a manner as to conform to the intent and purpose of this Ordinance.
 9. Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the centerline of any such street or alley.

SECTION 3: Division of the City into Districts Defined

For the purpose of regulating land use, all land within the corporate limits of the City of San Benito is divided into the following fifteen (15) zoning districts as established:

A-O Agriculture and Open Space
SF-1 Single-Family One
SF-2 Duplex, Residential
MF Multi-family, Residential
MH Mobile Home
OP Office, Professional and Administrative
NS Neighborhood Services
C-1 Commercial, Restricted Business
C-2 Commercial, General Retail Business
LI Light Industry
HI Heavy Industry
PDD Planned Development District
BAR Bar/Lounge/Nightclub District / C-2
C/P Commercial/Parkland
DT-O Downtown Overlay District

A-O Agriculture and Open Space: This district is primarily reserved for undeveloped areas which are not zoned and unsubdivided with a minimum area of five (5) acres.

SF-1 Single-Family - One: This district is reserved primarily for single-family residential structures but with specific uses as indicated in the Land Use Chart.

SF-2 Duplex, Residential: This district is reserved for two (2) family (duplex) dwellings constructed on lots with a minimum of 6,250 square feet, but with specific uses as indicated in the Land Use Chart. Each dwelling unit must consist of no less than six hundred fifty (650) square feet of gross living area. (Previously this zoning district was reserved primarily for a single-family residential structure of no less than six hundred fifty (650) square feet of gross living area.)

MF Multi-Family, Residential: This district is reserved for multi-unit apartment buildings which are designed to be occupied by three (3) or more dwelling units or apartments or which are occupied as a home or place of residence by three or more families living in independent dwelling units, but with specific uses as indicated in the Land Use Chart. Each dwelling unit must consist of no less than six hundred fifty (650) square feet of gross living area.

MH Mobile Home: This district is reserved exclusively for mobile homes as single-family dwellings, and with specific additional uses as indicated in the Land Use Chart.

OP Office, Professional and Administrative: This district is reserved for professional and administrative offices, and specific additional uses as indicated in the Land Use Chart. (Previously this zoning district was known as a C-1 Commercial, Office, Professional and Selected Service Businesses.)

NS Neighborhood Services: This district is designed to serve the domestic needs of the immediate neighborhoods, and with specific additional uses as indicated in the Land Use Chart. (Previously this zoning district was known as C2 Commercial, Neighborhood Services.)

C-1 Commercial, Restricted Business: This district is reserved for financial, administrative, and business services compatible with this area's function as the focal point of community activity and intensive development, and with specific additional uses as indicated in the Land Use Chart. (Previously this zoning district was known as C-3 Commercial, Central Business District.)

C-2 Commercial, General Retail Business: This district is reserved for retail businesses and with specific additional uses as indicated in the Land Use Chart. (Previously this zoning district was known as C-4 Commercial, General Highway Business.)

LI Light Industry: This district is reserved for the light manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products which do not emit detectable dust, odor, smoke, gas, or fumes beyond the district boundary, and do [not] generate noise or vibration to the adjacent properties.

HI Heavy Industry: This district is reserved for basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions not compatible with the light industry zoning district.

PDD Planned Development District: This district is reserved for land under unified control to be planned and developed as a whole in a single development operation or definitely programmed series of development operations or phases which may include two or more classes of uses.

C/P Commercial/Parkland: That a conditional use permit must be obtained before any development can occur in this district. Any existing structure located presently in this district if removed, demolished, destroyed by fire, or any type of disaster will not be allowed to be rebuilt unless they comply with this ordinance.

DT-O Downtown Overlay District: This district is established to create a vibrant, walkable, and compact downtown environment that emphasizes the pedestrian experience, supports mixed-use development, and preserves the unique historic character and cultural heritage of the area.

SECTION 4: Official Zoning Map.

- A. The City is divided into the district zones referenced above, and as shown on the Official Zoning Map, which, together with all explanatory information, is adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary and bearing the seal of the City under the following words: "This is to identify that this is the Official Zoning Map referred to in Chapter 1 Ordinance 2252 of the City of San Benito, Texas," adopted on June 4, 2002. In accordance with the provisions of this ordinance, any boundary changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Commission.
- B. No boundary changes of any nature shall be made on the Official Zoning Map except in conformity with the procedures set forth in this ordinance. Any unauthorized boundary change of any kind by any person or persons shall be considered a violation of this ordinance and punishable as provided for in Chapter 18 of this ordinance.

- C. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Office of the City Manager or Director of Planning, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the City.
- D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City Commission may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no other correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment.
- E. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 5: Application of District Regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided herein.

- A. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or use for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use. Each designated use must provide its own parking, loading, and space requirements.
- C. Every building hereafter erected or altered shall be located on a lot and in no case shall there be more than one (1) main building on a residential lot. There shall be no more than one (1) residential structure per lot.
- D. For areas zoned commercial more than one main building may be permitted for commercial use only, provided that all applicable zoning requirements (off-street parking requirements, etc.) are met by the property owner. A detached residential structure may not be located within the commercial lot.

SECTION 6: Zoning on Newly Annexed Territory.

- A. Any territory hereafter annexed to the City shall be temporary classified as “A-O Agriculture Open Space” until permanent zoning is established consistent with its current use or as otherwise determined by the Planning and Zoning Commission and City Commission at the time of annexation.
- B. No person shall erect, construct or proceed or continue with the erection, or construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City of San Benito without first applying for and obtaining a building permit or certificate of occupancy therefor from the Building Inspector.
- C. No permit for the construction of a building or use of land shall be issued by the Building

Inspector other than a permit which will allow the construction of a building permitted as a use by right or with a conditional use permit in the “A-O” District unless or until such territory has been classified in a zoning district other than “A-O.”

CHAPTER 2: USE DEFINITIONS

SECTION 1: General Definitions and Terms.

For the purpose of this ordinance, the following terms are defined as follows: Words used in the present tense include the future; words in the singular tense include plural; the word “building” includes the word “structure”, the words “shall and “must” are defined as mandatory; and the term “used for” includes the meaning “designed for” or “intended for.”

Abutting: Lying adjacent or contiguous along a common border.

Accessory Building: A detached subordinate building located on the same lot as the main building, which the use is clearly incidental to and customarily found in connection with the main building, including but not limited to a private garage for automobile storage, greenhouse as a hobby, home workshop, children's playhouse, garden shelter, but not involving the conduct of a business.

Accessory Use: A use subordinate to and incidental to the primary use of the main building or to the primary use of the premise.

Accounting Firm: A business that organizes, maintains, and audits the financial records of public or private accounts.

Adjacent: Shall mean “next to” or “closest to” but shall not necessarily mean “touching.”

Agriculture: The planting, cultivating and harvesting of plant crops; and the raising of livestock animals.

Alley: A public space or thoroughfare, which affords only a secondary means of access to abutting property.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building, or change or modification in construction or occupancy.

Ambulance Emergency Services: A service undertaken by a public or private entity dedicated for the transportation of human beings in need of unforeseen medical attention.

Antique Shop: An establishment offering the sale, within a building, of articles such as glass, china, furniture, or similar furnishing and decorations which have value and significance as a result of age, design, or sentiment.

Apartment: A room or a suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a place of residence for a single family, individual or group of individuals that includes permanent, integrated plumbing and cooking facilities.

Apartment House: Any building which is designed, built, rented, leased, or allowed to be occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

Area of the Lot: The area of the lot shall be the net area of the lot including easements, and shall not include portions of streets and alleys.

Assisted Living Facility: Residences for the elderly that provide rooms, meals, personal care, and/ or supervision of self-administered medication. The use is similar to a nursing home, but more like apartment living than hospitalization.

Automobile Sales and Repair Shop: An establishment engaged in the display or sale of automobiles,

general automobile repair, wrecker service, or any other similar use.

Auto Paint & Rebuild: An establishment engaged in collision service (body shop), and the painting, customizing [and] dismantling of cars on the premises.

Awning: A roof-like cover that projects from a wall of a building.

Bakery, Retail: A place for preparing, baking and selling baked goods and products prepared on the premises.

Bar and Grill: A restaurant that has a valid TABC permit to sell alcoholic beverages for on-premises consumption with not less than 60% of its annual gross income being derived from the sale of on premises prepared food or products for on-premises consumption.

Bar/Lounge/Nightclub: A retail enterprise that has a valid permit for the sale of alcoholic beverages for on-premises consumption only and derives more than 40% of its annual gross sales from the sale of alcoholic beverages for on-premises consumption. The terms bar, lounge and nightclub are interchangeable and whether used singularly or in combination shall mean the same activity defined herein.

Basement: A building story which is partly underground but having a least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

Bed and Breakfast: An establishment that is operated from an individual's residence that offers overnight accommodations and a morning meal to visitors for compensation.

Billboard: An outdoor advertising structure which advertises a use, product, or service not necessarily found on the premises.

Block: A continuous tract of land surrounded by a public right-of-way, excluding alleys; if used as a term of measurement, it shall mean the distance along side of a street between the nearest two streets which intersect said street. In cases where the platting is incomplete or disconnected, the Director of Planning shall determine the block boundaries.

Board: The Zoning Board of Adjustments and Appeals (ZBA).

Boarding House or Lodging House: A building other than a hotel or apartment, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or for transients.

Buildable Area: The area remaining on a parcel after all setbacks have been calculated and taken into consideration.

Building: Any structure used for the support, shelter and enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the top of the curb level to the highest point of the real surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building Inspector: The official charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Line: A line parallel or approximately parallel to the street line at a specified distance, marking the minimum distance from the street line that a building may be erected.

Bulk Storage: The unpackaged, unbundled, unbound or loose storage, in mass quantities, of materials.

Bus Terminal: The business of transporting passengers or goods.

Cabinet or Furniture Shop: An establishment that engages in manufacturing customized or specially designed cabinets of any nature.

Canopy: A roof-like structure of a permanent nature which projects from the wall of a building or structure and overhangs a private or public way.

Car-Oriented Sign: A sign primarily designed and oriented to be legible to and attract the attention of motorists driving past the business on the adjacent street. Examples typically include large wall signs that would be impractical to read from the sidewalk and monument signs.

Car Wash: A building or portion thereof containing facilities for washing vehicles using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. It may also be a self-service facility containing machinery used for cleaning vehicles.

Carport: An open building or portion of a building constructed primarily for the purpose of vehicle storage.

Cellar: A building story wholly or partly (at least 50%) measured from floor to ceiling, below the average level of the ground surrounding the buildings. A cellar shall not be counted as a story when measuring the height of a building (same as basement).

Cemetery/Mausoleum: Land used or intended for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, Mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Occupancy and Compliance: An official certificate issued by the building inspector which indicates conformance with, or approved conditional waiver from zoning regulations and which authorizes legal use of the premise for which it is issued.

Church or Rectory: A place of assembly and worship by a recognized religion including but not limited to synagogues, temples, churches, instruction rooms and the places of residence for ministers, priests, rabbis, teachers and directors on the premises.

City: The City of San Benito, Texas.

City Commission: The governing body of the City of San Benito, Texas, comprised of elected officials.

Cleaners: A retail service providing dry cleaning of clothes.

Cleaning and Dyeing Service including Carpeting: An industrial use in which products are cleaned and/or dyed through chemical processes. No direct exterior exhaust from a cleaning plant is permitted and dust and/or fumes must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

Clinic: An institution, public or private, rendering medical aid by medical professionals to outpatients who do not remain overnight.

Cold Storage Plant: A commercial establishment where frozen edible food products are stored before

distribution.

College, University or Private School: An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commercial Amusement: Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, where tickets are sold or fees collected at the gates of the various rides, contest, games, exhibits, or other similar activities within the confines of the area or structure by such activities. Commercial amusements include but are not limited to zoos, exhibitions, exposition, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coaster, ice rinks, traveling shows, and similar enterprises.

Commercial District: Refers to Zoning Districts C-1 and C-2

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district only by approval of the Planning and Zoning Commission and City Commission, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located. Conditional Use Permits may only be issued to the owner of the property or to a tenant with the authorization of the property owner after all proper procedures, standards and requirements have been met and is not transferable.

Condominium: A living unit, with ownership in common with others of a parcel of land and certain parts of a building which would normally be used by all the occupants, such as yard, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in a particular unit in such building. In this context, it is confined to ownership of a residential unit such as an apartment.

Convalescent Home: A structure used to care for persons recovering from an illness or suffering from infirmities of age where the organization is compensated for the care.

Convenience Store/Restaurant (Drive-thru): An establishment that, by design of physical facilities or by service or package procedures, encourages or permits customers to receive a drive-thru service.

Corner Lot: A lot abutting upon two or more streets at their intersection.

Court: An open, unoccupied space, bound on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building.

Cultural Center: A facility primarily dedicated to the display, preservation, education, or enjoyment of the arts and culture. This may include museums, art galleries, historic properties, or centers with multi-purpose rooms for performances, exhibits, classes, and administrative offices. It does not include facilities whose primary purpose is commercial entertainment or recreation.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the Director of Planning shall establish such curb level for the purposes of this ordinance.

Customer Personal Service: Establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel services including, but not limited to, a tailor shop, shoe repair, health studio or travel consultant.

Day Nursery, Day Care Center, or Kindergarten School: An establishment where seven (7) persons (children/adults/elderly) or more are left for care or training during the day or portion thereof, in commercial districts only. Seven (7) or fewer children or adults may be left for care or training during

the day or a portion thereof in single-family residential, multi-family residential, and mobile home residential districts only if:

- a. The residential structure maintains a completely residential appearance.
- b. A screening fence is maintained in the rear yard of the property to keep children on the premises.
- c. No sign advertising the service is placed on the residential premises.

Depth of Lot: The average horizontal distance between the front and rear lot lines.

Detached Building: A building wholly separated and independent of the principal building on a lot.

Director of Planning: The city employee hired directly by the City Manager to administer all planning, zoning functions of the city.

District: A section of the City of San Benito, for which the regulations governing the areas, heights of and uses of building or lots are uniform.

Domestic Quarters: An accessory building or portion of the main building on the same lot as the main building used as living quarters for individuals employed on the premises and not rented or otherwise used as a separate dwelling. The domestic quarters shall not have a separate kitchen or separate utility meter.

Duplex: A building on a single lot containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling, Double Family: Same as Duplex

Dwelling, Multi-Family: Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or residence of three (3) or more families.

Dwelling, Single-Family: A detached building having accommodations for and occupied by not more than one family or by one family and not more than four (4) boarders or lodgers.

Easement: A right given by the owner of a parcel of land to another person, public agency or corporation for a specific and limited use of the parcel.

Family: One (1) or more persons occupying a premise and living as a single housekeeping unit with single kitchen or culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

Floor Area: The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, basements, carports, garages, or porches.

Floor Area Ratio: An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Four-Plex: Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining units or units.

Furniture and Appliance Storage, Repair and Sale, New and Used, Outside: The unenclosed sale of used goods (used furniture and/or appliances may not be stored, repaired, displayed nor sold outside

of a building in a commercial district).

Garage - Attached: A garage which has one or more walls in common with the principal building on a lot; or which is attached to the principal building by an enclosed porch or passageway, the roof of which is a part of the roof of the principal building; and such a garage is considered a part of the principal building, but never to be used for living purposes.

Garage - Detached: A garage which does not have one or more walls in common with the principal building on a lot, which is not attached to the principal building by an enclosed porch or passageway, and which does not have a roof that is part of the roof of the principal building, but never to be used for living purposes.

Garden and Patio Homes: A single-family dwelling unit in which one (1) wall may be erected to one (1) common property line, this wall(s) can have no penetration of any kind including but not limited to openings for windows, doors, ventilators, clothes, dryer vents, water heaters, pressure discharge pipes, electrical circuits and apparatus, and shall be constructed and maintained to one (1) hour fire resistance rating from ground line to roof deck. The wall(s) or projections including roof overhangs shall not cross a property line.

Hazardous Waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency (EPA) or appropriate agency of the State of Texas to be "hazardous" as that term is defined by or pursuant to Federal or State Law.

Height: The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and ridge for hip and gable roofs and in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Hobby Room/Shop: An accessory use carried on by the occupant of the premises in a shop, studio or other workroom, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold on the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, fumes, or unsightly appearance.

Home Occupation: An occupation customarily carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of a sign to advertise the occupation, without offering any goods for sale on the premises and which causes no obnoxious noise, traffic or odor in the immediate area. The property owner operating a home occupation shall at all times maintain the appearance of a home. See Section 12.

Indoor Playground: An indoor facility specifically designed and primarily used for children's recreation and play, which may include structures like slides, climbing nets, ball pits, and trampolines, typically operated for a fee. This excludes gymnasiums or traditional athletic training facilities.

Indoor Recreation: A facility that is fully enclosed and primarily provides amusement, entertainment, or physical activity to the public for a fee. Examples include, but are not limited to, bowling alleys, indoor athletic courts, laser tag arenas, and fitness centers. This category excludes theaters, museums, and adult entertainment uses.

Industrial Manufacturing, Light: Processes which do not emit detectable dust, odor, smoke, gas or

fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noise or vibration at the boundary of the LI District which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas. Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of the emission of noise, odor, smoke, gas, fumes, dust, glare or the creation of hazard, but specifically excluding the following:

- a. Acid Manufacturer
- b. Animal slaughtering
- c. Any use which due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosions
- d. Ammonia manufacture
- e. Automobile wrecking yard
- f. Carbon Black manufacture
- g. Cement, lime, gypsum or plaster of paris manufacture
- h. Chlorine manufacture
- i. Cotton gin or Compress
- j. Explosive storage or manufacture
- k. Glue and fertilizer manufacture
- l. Petroleum and petroleum products, refining and manufacture
- m. Petroleum tank farm
- n. Petrol chemical plant
- o. Rendering plant
- p. Other uses as determined by the Planning and Zoning Commission

Industry, Other: Any manufacturing or industrial use not prohibited by law except those uses listed above, which shall not be permitted without a conditional use permit as set forth in Chapter 15.

Kindergarten School: Same as day care center.

Landscape: To improve aesthetically with the use of material such as trees, shrubs, grass, boulders and decorations. Low water use and drought tolerant plants, trees and grass are encouraged.

Legislative or Governing Body: The City Commission of the City of San Benito.

Live/Work Units: A dwelling unit that is a combination of a commercial or industrial space and a residential space in a single structure or defined portion of a structure, where the resident of the unit is also the operator of the business or activity conducted within the unit. The non-residential activity must be clearly subordinate to the residential use and may be subject to specific limitations on size, hours of operation, external impacts, and types of business permitted.

Loading Space: A space within the main building or on the same lot as the main building, providing for the off-street standing, loading or unloading of trucks or trailers.

Lot: Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance, and having its principal frontage upon a public street.

Lot Coverage: The percentage of the total area of a lot occupied by the floor print (first story of floor) of building located on the lot and including any impervious surfaces such as asphalt or concrete.

Lot Depth: The mean distance between the front and rear lot lines.

Lot Lines: The lines bounding a lot.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Cameron County or a parcel of land, the deed for which is recorded in the

office of the County Clerk of Cameron County prior to the adoption of this ordinance.

Lot Width: The average distance between side property lines.

Main Building: The building or buildings on a lot, which are occupied by the primary use.

Market: a commercial use, typically temporary, periodic, or seasonal, where independent vendors assemble to display and sell merchandise, goods, food, or produce to the public primarily from non-permanent structures such as tables, stalls, booths, canopies, or vehicles.

Marquee or Canopy: A roof-like structure of a permanent nature, which projects from the wall of a building or overhangs a public way.

Mobile Food Vendor: A vendor whose main purpose is to set up temporarily to sell food on an occupied property whose owner has agreed in writing to allow access to bathroom facilities and parking as required by the business generated by the mobile vendor. A food vendor shall be considered “mobile” if the structure used to sell food from is capable of being removed from the site on a daily basis. Mobile food vendor structures must be self-contained.

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling. (Refer to manufactured home ordinance)

Mobile Home Park or Trailer Court: A unified development of twenty-five (25) or more mobile homes spaces under private ownership.

Mobile Vendor: A vendor whose wares are set up temporarily on an occupied property whose owner has agreed in writing to allow access to bathroom facilities and parking as required by the business generated by the mobile vendor. A vendor shall be considered “mobile” if the structure used to vend goods from is capable of being removed from the site on a daily basis.

Mural: An image or artwork painted directly onto a wall, which is not considered a sign because it does not contain a logo, branding, product name, or commercial message, and does not advertise a business, service, or product.

Neighborhood Movie Theater: An enclosed structure designed and used for the commercial exhibition of motion pictures to the public, typically characterized by a smaller scale and capacity than regional movie multiplexes, primarily serving the adjacent neighborhood area, and often including concession facilities.

Neighborhood Performance Theater: An enclosed structure designed and used for live artistic performances such as plays, musicals, dance, or concerts, characterized by a small to moderate seating capacity and primarily serving the cultural and entertainment needs of the local neighborhood or community. This may include ancillary uses such as ticket offices and restrooms.

Nonconforming Use, Building or Yard: Use of property that was lawful prior to the adoption or amendment of a zoning ordinance and is permitted to continue even though it fails to conform to the requirements of the ordinance.

Nuisance: Obnoxious and/or annoying to nearby residents.

Occupancy: The use or intended use of the land or buildings by proprietors or tenants.

Office: A room, studio, suite or building in which a person transacts business or carries on an occupation. For the purposes of this ordinance, an office shall not involve manufacturing, fabrication, production, processing, cleaning, testing, repair, or storage of aerials, goods or products, which are physically located on the premises.

Off-Street: Off the public right-of-way and on privately owned property.

Overlay District or Zone: An additional level of zoning requirements that is superimposed over the existing zoning in the area.

Painted Sign: A sign that is painted directly onto a building wall, which does contain a logo, branding, product name, commercial message, or otherwise advertises a business, service, or product located on the premises.

Parking Space: An area of sufficient size to store an automobile no less than nine (9) feet wide and twenty (20) feet long (180 square feet). The parking spaces and connecting driveways for all businesses and residential uses shall be of asphalt or concrete surface.

Parking Garages: A structure or building, or portion thereof, consisting of one or more levels or stories, used primarily for the storage of motor vehicles for temporary periods, either for compensation or to serve a principal use on-site or nearby, and which may be either fully enclosed or partially open. This definition specifically excludes private residential garages and structures used for vehicle repair, sales, or fueling.

Patio and Garden Homes: A Patio or Garden Home is a single-family dwelling unit in which one wall may be erected to one (1) common property line, this wall(s) can have no penetration of any kind including but not limited to opening for windows, doors, ventilators, clothes dryer vents, water heater, pressure discharge pipes, electrical circuits and apparatus, and shall be constructed and maintained to one (1) hour fire resistance rating from ground line to roof deck. The wall(s) or projections including roof overhangs shall not cross a property line. The other walls of a garden or patio home shall contain no greater percentage of openings than allowed by the currently adopted building code of the City of San Benito. The wall(s) or fences shall not encroach into any restricted area(s). Front yard setbacks for garden homes or patio homes shall be not less than ten (10) feet. There shall be no rear yard requirements applicable to patio or garden homes. Each patio or garden home shall provide no fewer than two (2) paved off-street parking spaces.

Pedestrian-Oriented Sign: A sign primarily designed and oriented to be legible to and attract the attention of pedestrians on the sidewalk. Examples include, but are not limited to, sidewalk A-frame signs, signs that project over the sidewalk, and signs integrated into canopies oriented toward the sidewalk.

Permanent Temporary Sign: A sign that is constructed of materials or displayed in a manner typically associated with short-term, temporary use (such as an event or promotion), but is installed or displayed for an indefinite or prolonged period, thereby acting as a permanent sign without meeting the standards for permanent signage.

Permit: An administratively issued license to build or otherwise alter any type of structure within the San Benito City Limits.

Permitted Use: A use specifically allowed in a zoning district without obtaining a use permit.

Planning and Zoning Commission: The board appointed by the City Commission to review issues related to zoning and land use.

Pole Sign: A type of freestanding sign that is permanently supported in a fixed location by a structure consisting of one or more vertical poles, uprights, or braces from the ground.

Porch: A one-story, roofed, open structure usually attached to a dwelling.

Portable Building: A structure that was built off-site and moved to a parcel of land for use as storage

or office space that lacks a concrete slab or a perimeter beam with footing. Portable buildings in C-1, C-2, LI, and HI must be skirted, anchored, and have the outward appearance of a permanent structure and may not be used as a dwelling unit.

Premises: A lot, together with all buildings and structures thereon.

Private Garage: An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

Recreational Vehicle Park: A vehicular development under one (1) ownership designed primarily for transient service, on which recreational vehicles, pickup coaches, self-propelled motorized vehicles, tent trailers, or travel trailers are parked or situated and used for the purpose of supplying to the public a parking space for such vehicles, meeting all of the requirements of this ordinance.

Residence: Same as dwelling.

Residential District: Any lot or tract zoned with the designation of SF-1, SF-2, MF, or MH primarily intended for residential living in single-family homes, duplexes, or patio homes or mobile homes.

Restaurant: A building or a portion of a building, where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be cooked. If a restaurant has a permit to sell alcoholic beverages for on-premise consumption as a secondary source of income, it may not be considered a bar/lounge unless the sale of alcohol comprises more than 40% of sales.

Retail Store and Shop: Service offering all types of goods for sale from within the store and only new merchandise shall be permitted in an outside display for three (3) consecutive days, three times a year.

Rezoning: An amendment to the zoning map; a change in the permitted uses of a parcel of land.

Room: A building or a portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

Salvage (Junk) Yard: A lot upon 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 or bottles. It does not include those uses conducted entirely within the confines of an enclosed building.

Secondary Uses: A collateral use of land or buildings usually performed in conjunction with a primary use, but not constituting a majority of the combined uses.

Setbacks: The minimum horizontal distance between the wall of a building and the property line.

- a. Setback - Front Yard: A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
- b. Setback - Rear Yard: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.
- c. Setback - Side Yard: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

Sexually Oriented Business: A massage establishment, nude studio, nude or partially nude dancing establishment, nude modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video, adult motel, or any other commercial enterprise of which the primary business is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Shooting Range (Indoor): An area designated and equipped with targets for practice with firearms.

Side Yard: An open, unoccupied space on the same lot with a building between the side wall and the property line.

Sign: Any device or surface on which letter[s], illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected or in any manner outlined, attached or displayed and used for advertising purposes.

Site Plan: A detailed map by a registered, professional engineer clearly including the following: a) a drawing showing scale used, north arrow, the date and title of the project; b) property lines, location and widths of all streets, alleys, and other means of access; c) dimensions of all structures, proposed structures, slabs and proposed slabs, and parking plan; and d) description of proposed uses of property.

Special Overlay Zone: A special zoning designation in a part or all of a zoning district which either permits certain uses which are otherwise prohibited in the Base Zone, or prohibits certain uses which are otherwise permitted in the Base Zone.

Storage Building: A building primarily for the use or storage of goods and/or provisions not including hazardous chemical or dangerous materials such as, dynamite, etc. Refer to Chapter 6 for restrictions on placement and allowable size of storage buildings.

Structural Alterations: Any change in the supporting member of a building such as a bearing wall, column, and beams of [or] girders.

Technical Review Committee: A committee designated by the City of San Benito to provide technical review of Development Plans prior to submission to the Planning and Zoning Commission. Committee members include the City Engineer, the Director of Operations, the Director of Planning, a representative from the Irrigation District, and utility providers for the City of San Benito.

Temporary Field Office: Portable building or temporary building used as field office for a real estate development or construction project and subject to removal at directions of Building Inspector.

Tower: An earth-based antenna station used for reception and/or transmission of satellite, radio, television, microwave or any other signal for purposes of communication that shall not exceed 125 feet in height, and shall be self-supporting. Guyed towers are prohibited.

Towing, Wrecking, or Wrecked Vehicle Storage Service: A service to tow motor vehicles which cannot be moved under their own power, such business shall include vehicle storage lot to store motor vehicles involved in accidents which cannot otherwise move under their own power. In no event shall any single stored vehicle remain on such storage lot for a period in excess of ninety (90) days. No wrecking, salvage dismantling or sales of used auto parts shall be conducted from towing or wrecker service premises, or from the premises on which such vehicles are stored. Additionally, should any such vehicles remain on such lot for a period in excess of ninety (90) days, such lot shall be deemed to be a "wrecking and salvage yard" under the provisions of this zoning ordinance.

Townhouse: A single-family dwelling unit in which the building and/or wall(s) may be erected to or on property line on front, rear and side, in which the building has no open space except a patio inside

the walls and which is erected for the specific purpose of providing a location for inside living. Townhouses are to be built in a series or group of attached units with property lines separating such units. The common wall will be constructed as set out in the current standard building code regarding separation between townhouses.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.

Variance: Suspension of the literal application of the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, and approved by the Zoning Board of Adjustments and Appeals.

Zoning Board of Adjustments and Appeals: A quasi-judicial body that hears appeals from decisions of city staff. The Zoning Board of Adjustments and Appeals considers requests for variances and conditional use permits.

Zoning Ordinance: A law set forth by a governmental authority (a municipal regulation) to partition into sections land which is reserved for different purposes.

SECTION 2: Land Use Chart.

A chart setting forth permissible land uses by zone and definitions of permissible land uses is attached as Exhibit A and is incorporated herein by reference and made a material part of this ordinance.

CHAPTER 3: ADMINISTRATION AND ENFORCEMENT

SECTION 1: Administration and Enforcement.

- A. The Director of Planning or City Manager shall administer the provisions of this ordinance. If the Director of Planning shall find, or if any person files with him/her, a complaint in writing alleging that any of the provisions of this ordinance are being violated, he/she shall immediately investigate and when necessary give written notice, by certified mail, return receipt, to the person responsible to cease such violation within a reasonable period of time.
- B. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 2. Building Permit Process.

- A. All applications for building permits shall be accompanied by site plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the dimensions of the proposed building, if any, already existing on the lot, and the location and dimensions of the proposed building, structure or alteration. The application serves as a basis for review of site plan. It shall include such information as lawfully may be required by the Director of Planning, including existing proposed uses of the building and land, the number of housekeeping units, or rental units the building is designed to accommodate; condition existing on the lots and on abutting and adjacent properties; off-street parking where required and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.
- B. This section applies only to a permit required by the City of San Benito to erect, construct, or improve a building or other structure within the city limits or its extraterritorial jurisdiction (ETJ).

Initial Permit Decision Timeline. Not later than the 45th day following the date a complete application for a permit is officially submitted, the City's permitting authority must take one of the following actions:

1. Grant or deny the permit;
2. Provide written notice to the applicant, clearly stating the reasons why the City has been unable to grant or deny the permit application within the 45-day period;
or
3. Execute a written agreement with the applicant establishing a mutually agreed-upon extended deadline for granting or denying the permit.

Final Decision After Initial Notice. For any permit application where written notice was provided under Section 2.B.2 (stating reasons for delay), the City must subsequently grant or deny the permit application not later than the 30th day after the date the applicant receives that initial notice.

Consequences of Failure to Act. If the City's permitting authority fails to grant or deny a complete permit application within the time required under Final Decision After Initial Notice, or by the extended deadline established in a written agreement under Section 2.A.3, the City shall be subject to the following limitations:

1. The City may not collect any further permit fees associated with that specific application; and
2. The City shall refund to the applicant any and all permit fees associated with the application that have already been collected.

C. Permit Expiration:

1. Every permit issued under this ordinance shall become invalid unless the work authorized by such permit is commenced within six (6) months after the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the work is commenced.
 2. Permitted work shall be completed within one (1) year from the date of permit issuance, unless an extension is approved by the Building Official in accordance with this section.
 3. The Building Official is authorized to grant one (1) extension of time for a permit for a period not to exceed six (6) months, provided the permittee submits a written request and pays a renewal fee equal to fifty percent (50%) of the original permit fee.
 4. A permit that has expired is null and void. No work may be performed after expiration unless a new permit application is filed and a new permit is issued.
- D. If the construction is not in compliance with conditions placed on said permit, the permit shall be revoked by the Director of Planning and Development, at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation, or was issued by mistake, or that any of the provisions of the Zoning Ordinance are being violated. Upon the failure, refusal, or neglect of any owner, his/her agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee, the Building Inspector may issue a stop order; and thereafter no such construction shall proceed.

SECTION 3. Certificate of Zoning Compliance and Occupancy.

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or both, or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure nor permanent utility connections to serve the premises be made until a Certificate of Occupancy has been issued by the Director of Planning or assigned subordinate stating that the proposed uses of the land conforms to the requirements of this ordinance, and the use of the building complies with the adopted International Residential Code.
- B. A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land, provided such construction or change has been made in complete conformity to the provisions of this ordinance.
- C. A Certificate of Occupancy shall state that the building or proposed use of a building or land, has complied with all the building or health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building Inspector, and copies shall be furnished, on request to any person having a proprietary or tenancy interest in the land or building affected.

SECTION 4: Classification of New and Unlisted Uses.

- A. In the event new types of land uses develop and forms of land use not listed in the Land Use Chart (Exhibit A) intent [intend] to locate in the City of San Benito, a determination as to the appropriate classification or [of] any new or unlisted form of land use shall be made as follows:
1. The Director of Planning shall refer the question concerning any new or unlisted use to the City Planning and Zoning Commission requesting an interpretation as to the zoning classification into which use should be placed.
 2. The City Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
 3. The City Planning and Zoning Commission shall transmit its findings and recommendations to the City Commission as to the classification proposed for a new or unlisted use. The City Commission shall by ordinance approve the recommendation of the City Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

SECTION 5. Procedure for Amendments to Ordinance.

- A. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed upon initiation by the Planning and Zoning Commission, the City Commission, or by petition of a property owner or owners of or their authorized agents; provided however, that no action may be taken until:
1. An application has been made on the forms prescribed by the Planning and Zoning Commission, [and] proof of ownership or control has been established and duly filed with the Director of Planning;
 2. The City Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendations and reports to the City Commission. Written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each property owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. Such notice shall be given not less than ten (10) days before the date set for the hearing which may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. Such public hearing shall be published in an official newspaper or a newspaper of general circulation in the municipality ten (10) days prior to the hearing stating the time and place of such hearing.
 3. A public hearing before the City Commission on any proposed amendment, Supplement or change shall be published in an official newspaper or a newspaper of general circulation in the municipality fifteen (15) days prior to the hearing stating the time and place of such hearing.
 4. A proposed amendment, supplements, or change to a regulation or boundary may be officially protested after action is taken by the Planning and Zoning Commission at the time it goes to the public hearing with the City Commission by filing with the City Secretary within fourteen (14) days a written and duly signed petition from the owners of twenty percent (20%) or more either of

- a. the area of the lots or land covered by the proposed change; or
 - b. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from the area.
 - c. in computing the percentage of land area, the area of streets and alleys shall be included. Such amendment shall not become effective except by a four-fifths (4/5ths) vote of the governing body.
5. The Planning and Zoning Commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the City Commission. The City Commission may not hold a public hearing and may not take action on the matter until it receives the final report of the Planning and Zoning Commission.
6. If a rezoning request for a particular tract of property is made to the City Commission after standard Planning and Zoning Commission procedure, and such request for whatever reason, fails to be enacted by the City Commission by passing an ordinance pursuant to this Zoning Ordinance, such rezoning request may be considered a second time by the City Commission after such request has been resubmitted to the Planning and Zoning Commission for its recommendation pursuant to the provisions of this Zoning Ordinance. If such rezoning request is not enacted by the City Commission upon said second submission, such request shall not be resubmitted to the Planning and Zoning Commission or the City Commission for an intervening six-month period following the date of the denial of such second submission to the City Commission.

CHAPTER 4: BUILDING SITE

SECTION 1: Creating a Building Site for Construction.

No permit shall be issued for the construction of a building upon any tract or plat until a building site, building tract or building lot has been created by compliance with one of the following conditions.

- A. The lot or tract is part of a plat of record, properly approved by the City Planning and Zoning Commission and filed in the Plat Records, Cameron County, Texas.
- B. The site plot or tract is all or part of a site plan officially approved by the City Planning and Zoning Commission, which site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas and such easements, alleys and streets have been acquired and properly dedicated and the necessary public improvements provided.
- C. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the subdivision ordinance October 1973. In this event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with either subsection A or B preceding.

CHAPTER 5: REGULATIONS ON LOT AREA, YARD, & FENCES

SECTION 1. Lot Area.

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless it is in conformity with all the minimum regulations specified for lot area; lot width; front, side and rear yards; structure height; lot coverage and dwelling size.

- A. The minimum lot area for the various districts will be in accordance with the following schedule, except that a lot having less area than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used for one-family dwelling. No lot existing at the time of the passage of this ordinance shall be reduced in area below the minimum requirements set forth below.

District	Minimum Lot Size
A-O	5 acres
SF-1	6,250 square feet
SF-2	6,250 square feet
MF	6,250 square feet
MH	refer to Mobile Home Ordinance
OP	6,250 square feet
NS	6,250 square feet
C-1	6,250 square feet
C-2	6,250 square feet
LI	6,250 square feet
HI	6,250 square feet
PDD	varies
C/P	6,250 square feet

<u>DT-O</u>	<u>No minimum</u>
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SECTION 2: Lot Width.

- A. Residential: The minimum residential lot width for lots in the various districts used for residential purposes will be in accordance with the following schedule, except that a lot having less width than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used as a one-family dwelling. No lot existing at the time of passage of this ordinance will be reduced in width below the minimum set forth herein:

<u>District</u>	<u>Minimum Lot Width</u>
A-O	50 feet
SF-1	50 feet
SF-2	50 feet
MF	50 feet
MH	Refer to Mobile Home Ordinance
OP	50 feet
NS	50 feet
C-1	50 feet
C-2	50 feet
LI	50 feet
HI	50 feet
PDD	varies
C/P	50 feet
<u>DT-O</u>	<u>No minimum, except for applicable building codes</u>

B. Nonresidential: There shall be a minimum lot width of 50' in LI and HI district zones.

SECTION 3: Lot Depth.

A. Residential: The minimum residential lot depth for the various districts will be in accordance with the following schedule, except that a lot having less depth than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of the passage of this ordinance shall be reduced in depth below the minimum set forth herein.

<u>District</u>	<u>Minimum Lot Depth</u>
A-O	varies
SF-1	125 feet
SF-2	125 feet
MF	125 feet
MH	Refer to Mobile Home Ordinance
OP	125 feet
NS	125 feet
C-1	125 feet
C-2	125 feet
LI	125 feet
HI	125 feet
PDD	varies
C/P	125 feet
<u>DT-O</u>	<u>No minimum, except for applicable building codes</u>

B. Nonresidential: There shall be a minimum lot depth of 125' in LI or HI district zones.

SECTION 4: Coverage.

- A. Required open space shall be landscaped consisting of sidewalks, pool area, tennis courts, green areas and similar uses. Parking spaces and open driveways shall not be considered as part of the open space requirement.
- B. In SF-1, SF-2 and MH zones, no more than sixty percent (60%) of the total lot will be covered by the combined area of the principal building and all accessory buildings or any other impervious surface such as asphalt or concrete. In MF zones, no more than eighty percent (80%) of the total lot area will be covered by the combined area of the principal building and all accessory buildings or any other impervious surfaces such as asphalt or concrete.
- C. In OP, NS, C-1, C-2, LI and HI zones no more than eighty percent (80%) of the total lot area will be covered by the combined area of the principal building and all accessory buildings or any other impervious surfaces such as asphalt or concrete.

SECTION 5: Lot Drainage.

No roof or overhang shall be allowed to discharge water into a neighboring private property. Rain gutters, or landscaping shall be required to minimize the effects of erosion from direct drainage of water.

SECTION 6: Building Yard Setbacks.

- A. Any point of any exterior wall of any building structure situated on a lot in Districts SF-1, SF-2, and MF will lie not less than:
 - 1. Twenty-five (25) feet from the front property line (referred to herein as the front yard),
 - 2. Fifteen (15) feet from the rear property line; and
 - 3. Five (5) feet from a property line which lies perpendicular to the property lines having the shortest length (referred to herein as the side yard). The distances required herein will be referred to as building setback requirements.
- B. For existing lots with forty-nine (49') feet or less in width, the side setback shall be a minimum of four (4') feet, the front setback shall be twenty-five (25') feet, and rear yard setback shall be fifteen (15') feet. For existing lots with less than one hundred (100') feet in depth, the front and rear yard setbacks shall be established by existing setbacks within the block.
- C. For existing lots with thirty-five (35') feet or less in width, the side yard setback shall be a minimum of three (3') feet, the front setback shall be twenty-five (25') feet and rear yard setback shall be fifteen (15') feet. For existing lots with less than one hundred (100') feet in depth, the front and rear yard setbacks shall be established by existing setbacks within the block. Where two (2) thirty-five (35) feet lots are combined for construction of one structure, the side yard setbacks shall be 5' from the property line, front yard shall be 25' from the property line, and rear yard shall be 15' feet from the property line.
- D. Any point of any exterior wall of any building structure situated on a lot in Districts OP, NS, C-1 or C-2 will require not less than: 1) twenty-five (25) feet of front yard setback; 2) a five (5) feet rear yard setback; and 3) a five (5) feet side yard setback.
- E. Any point of any exterior wall of any building structure situated on a lot in Districts LI and HI, will require not less than: 1) twenty-five (25) feet of front yard setback; 2) a five (5) foot rear

yard setback; and 3) a five (5) foot side yard setback.

- F. For a corner lot located in any zoning district, the side yard setback on the side street shall be ten (10) feet on the street side and five (5) feet on the interior side. A ten (10') feet side setback shall be maintained on corner lots with a width of less than forty-eight feet (49').
- G. Parcels with a nonresidential base zoning situated within the DT-O District shall be deemed exempt from all minimum yard setback requirements, except for rear yards, as delineated in Sections A through F, inclusive, of this ordinance.
- H. The exterior building wall of any structure situated on a lot within the DT-O District shall be sited such that no point lies more than ten (10) feet from the front property line and any side property line abutting a public street. This ten-foot (10') maximum setback shall not apply where an outdoor dining area or public plaza is formally provided along the subject property line; in such instances, the maximum setback for the exterior building wall shall be eighteen (18) feet. For the purposes of this Section, public alleys shall not be construed as public streets.
- I. Parcels possessing a residential base zoning within the DT-O District shall adhere to the standards set forth in Sections A-F aforementioned, notwithstanding the following specific exceptions for multifamily dwellings, duplexes, townhomes, and condominiums:
 - 1. Townhomes may be exempted from front yard setbacks only in the event that the following conditions are satisfied with respect to each residential unit:
 - i. The primary ingress/egress door of the unit shall directly orient toward the street.
 - ii. The aforementioned primary ingress/egress door shall be situated no greater than six feet (6') from the street, or, in the instance that a front patio is incorporated, the maximum permissible distance between the street and the primary ingress/egress door shall be twelve feet (12').
 - 2. Multifamily dwellings, duplexes, and condominiums may be exempted from front yard setbacks, provided and only if the height requirements stipulated in **Chapter 8** are fully met and complied with.
 - 3. All multifamily dwellings, duplexes, townhomes, and condominiums shall be eligible for exemption from rear and side yard setbacks upon the issuance of a valid Conditional Use Permit.

SECTION 7: Projections into Required Yard or a Court.

- A. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, that:
 - 1. none of the above projections shall extend into a court more than twelve (12) inches nor into a required yard more than thirty six (36) inches, and provided further;
 - 2. canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard;
 - 3. existing open porches extending into the required yard shall not be enclosed.
- B. A through lot shall be deemed to front upon the street which gives access to that lot.

- C. Stairways, steps, porch coverings which are attached to any building may project no more than six (6) feet into the front yard.
- D. Canopies or awnings attached to nonresidential businesses situated within the Downtown Overlay (DT-O) District may project over a public sidewalk; provided, however, that such projection shall not exceed six (6) feet or the entire width of the public sidewalk whichever is lesser, directly abutting the subject property. All such projections shall comply with minimum clearance requirements established by the applicable building code and fire code except as described below:
 - 1. Furthermore, notwithstanding the foregoing provisions, a canopy or awning associated with a Live/Work Unit may project over a public sidewalk only upon the issuance of a Conditional Use Permit (CUP) as governed by this Ordinance.
 - 2. A building façade that is located within the C-1 and DT-O districts, and faces Robertson Street, and undergoes a façade improvement project approved by the San Benito EDC shall be permitted a canopy or awning projection over the public sidewalk of up to eight (8) feet or the entire width of the public sidewalk, whichever is less.
- E. Patio awnings, patio covers, and patio roofs with no enclosing walls may project no more than five (5) feet into the rear yard setback line. Balconies, decks or marquees which are elevated more than eight (8) feet from ground level may project up to six (6) feet into the rear yard.
- F. A table setting forth the building setback requirements for each district, is attached as Exhibit "B" and is incorporated herein by reference and made a material part of this ordinance.

SECTION 8: Fences.

- A. Residential: Front yard fences extending past the forward-most portion of the house structure to the front and side lot property lines may be constructed and maintained under the following terms and conditions:
 - 1. solid face fences, such as solid masonry face fence, shall be restricted to a height of not more than three (3) feet in height above the grade of the yard at least fifteen (15) feet back from such front property line and along any side property line of a street corner.
 - 2. ornamental and decorative fence of not more than six (6) feet, such as ornamental iron allowing reasonable through vision and substantially free air flow shall have no height restrictions other than that applicable to permanent structures.
 - 3. solid rear and side fences are restricted to a height of not more than six (6') feet for residential areas and are subject to the sight triangle on a corner where a street or alley intersects with another (see Exhibit D).
- B. Non-Residential: A solid screening fence of not less than six (6') feet in height shall be constructed in the side and/or rear yards of a commercial zoning district dividing the district from any residential district. Solid face front yard fences may be maintained at a height of no more than six (6) feet up to the lot line providing they do not obstruct traffic view of at least 15 feet on an approach to a street and 10 feet on the approach to an alley.
- C. Residential and Non-Residential fences greater than seven (7) feet will need windstorm plans.

CHAPTER 6: SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1: Detached Accessory Buildings.

More than one Accessory Building may be allowed on a lot provided the impervious lot coverage does not exceed the requirements of the district, and the buildings shall always be located in the area defined as the rear yard. Permitted Accessory Buildings located with a main building for one-family, two-family and multiple-family use may be located upon a lot or unplatted tract, but the Accessory Building may never be used as a main building for residential use.

- A. In a residential district, an Accessory Building is a subordinate building detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented or leased. Separate bath and kitchen facilities will be allowed in cabanas, shelters, and other private poolside structures, provided, however, that such structures will never be used as a residence.
- B. Any structure, item or appurtenance (for example swimming pools) in a nonresidential district, the use of which is incidental to the main structure, shall be required to comply with the same restrictions as those for an Accessory Building in a residential district. The exemptions to this requirement will be mailboxes, yard decorations, flagpoles, and fountains.
 - 1) In nonresidential districts, an Accessory Building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.
- C. The side yard requirements for Accessory Buildings shall be five (5) feet and no less than five (5) feet rear setback, ten (10) feet if no rear alley exists.

SECTION 2: Portable Building Placement.

- A. In a residential district, a Portable Building is a subordinate building, detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented or leased. No more than one Portable Building shall be allowed on a lot regardless of zone or size.
- B. In a residential district, the side yard requirements for Portable Buildings shall be a minimum of five feet if the use is accessory and shall always be located in the area defined as the rear yard with a five-foot setback in the rear.
- C. In other districts, a Portable Building may be used as a subordinate building, the use of which is incidental to and used only in conjunction with the main building with a minimum of five feet if the use is accessory and always be located in the area defined as the rear yard with a five-foot setback.
- D. Where a lot is used for multi-family, retail, commercial, industrial purposes or a combination of the same, more than one (1) portable building may be located upon the lot, however, a conditional use permit is required for each such Portable Building and for allowance of more than one on a single lot. Such buildings shall conform to all open space, parking and other requirements applicable to the uses and district when all such main buildings face upon a public street or other approved means of access, other than an alley. No parking area, storage area or required open space for one building will be computed as being the open space, yard or area requirements for any other dwelling or other use. A site plan shall be required and submitted to the Planning & Zoning Commission to assure compliance with this ordinance. Any deviation from the site plan as approved by the Planning & Zoning Commission is prohibited and shall void such Conditional

Use Permit.

- E. A Portable Building may never be used as a main building for residential use.

SECTION 3: Storage Buildings.

In a residence or an apartment district, a Storage Building is a subordinate building, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented or leased. In other districts, a Storage Building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

- A. A storage building may be located upon a lot or unplatted tract, however a Storage Building may never be used as a main building for residential use. A Storage Building is primarily used for the storage of goods.
- B. No more than one Storage Building shall be allowed on a lot regardless of zone or size.
- C. In a residential district, the side yard requirements for a Storage Building shall be a minimum of five feet if the use is accessory and always be located in the area defined as the rear yard with a five-foot setback in the rear.
- D. In other districts, a Storage Building may be used as a subordinate building, the use of which is incidental to and used only in conjunction with the main building with a minimum of five feet side yard setback if the use is accessory and always be located in the area defined as the rear yard with a five (5') feet side setback. Parcels located in the DT-O (Downtown Overlay) District are exempt from side setbacks, provided they do not border properties zoned SF-1 storage building roofs do not drain onto any neighboring properties.

SECTION 4: Structures to Have Access.

Every building hereafter erected, placed, or moved shall be on a lot with direct access to a public street, or with access to a municipally approved private street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required on-site parking.

SECTION 5: Supplemental District Requirements - Industrial Zoning District.

All facilities that are involved in manufacturing, salvaging, fabricating, processing, or assembly of products shall be subject to the following performance standards:

- A. Smoke. No operation shall be conducted unless it conforms to standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;
- B. Particular Matter. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particular matters;
- C. Dust, Odor, Gas, Fume[s], Glare, or vibrations. No emission of these matters shall result in a concentration, at or beyond the property line, which is detrimental to the public health, safety, or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions.

- D. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise.
- E. Radiation Hazards and Electrical Disturbances. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
- F. Water Pollution. No water pollution shall be emitted by manufacturing or other processing. In a case which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

CHAPTER 7: MINIMUM PARKING AND LOADING REQUIREMENTS

SECTION 1: Purpose.

It is the purpose of this section to state the guidelines for providing off-street parking space consistent with the proposed land use in order to:

- A. Eliminate occurrence of non-resident on-street parking in adjoining neighborhoods;
- B. Avoid the traffic congestion and public safety hazards caused by a failure to provide such parking space;
- C. Expedite the movement of traffic on public thoroughfares by discouraging curb parking.

SECTION 2: General Requirements.

- A. Off-Street Parking: Spaces required in this section apply to all districts except in the DT-O District. Off-street parking spaces shall be provided at the time any building or structure is erected or enlarged or increased in capacity or at the time any other use is established.
- B. Dimensions and Access: Each off-street parking space shall have an area of not less than nine by twenty feet (9' x 20') feet and shall be in usable shape and condition. Each parking area shall provide an adequate on-site turnaround area. There shall be adequate provision for ingress and egress to all required parking spaces, without backing into any public right-of-way. Entrances to and exits from parking areas from a street shall not be greater than thirty-five (35) feet in width.
- C. Off-Premises Location: For any new use, building or structure where the required off-street parking cannot be provided on the premises because of the size or the location of the lot, such parking may be provided on other property under the same ownership not more than 200 feet distant from the building site and provided the proposed parking area is located in a district where parking lots are permitted.
- D. Number of Off-Street Parking Spaces Required: The number of off-street parking spaces required shall be determined from Section 7. The classification of uses referred to shall be deemed to include and apply to all uses.
- E. Development and Maintenance of Parking Area: Every parcel of land hereafter used as public or private parking area shall be developed and maintained in accordance with the following requirements:
 - 1) Barriers: All commercial, industrial and multi-family off-street parking areas, except access ways, shall be separated from the street right-of-ways by a barrier curb, or tire stop approved by the Director of Planning and Community Development;
 - 2) Surfacing: Except as otherwise provided, all required off-street parking areas for three (3) or more cars shall have a dustless all-weather surface and shall be installed and be so arranged and marked (in paved areas) as to provide for orderly and safe parking for vehicles in all districts. Areas used for display and/or sale of items, for example vehicles, trailers, mobile homes, portable buildings, shall have a dustless all-weather surface such as asphalt or concrete.
 - 3) Lighting: Any lighting used to illuminate any off-street parking area shall be arranged so

as to direct or shield the light away from the adjoining premises in any residential district.

- F. Maneuvering Space: All parking, other than single- and two-family residential parking, shall be designed so that adequate on-site turnaround area is provided. A motor vehicle shall be able to enter or exit such lots without backing directly or into the right-of-ways of streets or alley without moving any other automobile.

SECTION 3: Residential Parking Required.

Parking shall be on the same lot as the main building, or on a lot within 200 feet and zoned for business.

- A. Two (2) parking spaces per dwelling unit shall be provided for the following, with the parking area located on the same lot as the main building or buildings, except as otherwise provided above:
1. Single Family dwellings
 2. Two-family (duplex) dwellings
 3. Three-family (triplex) dwellings
 4. Four-family (four-plex) dwellings
- B. Two (2) parking spaces per dwelling unit shall be provided for each of the following, with the parking area located on the same lot as the main building, or on a lot within 200 feet either on land zoned for business or by Use Permit zoned for residential use:
1. Apartments (5 and over)
 2. Apartment hotels
 3. Other similar multi-family dwellings
- C. One (1) parking space for each transient unit (living unit) plus one (1) space for each two (2) employees shall be provided in each of the following instances:
1. Hotel/Motel
 2. Tourist Home
 3. Other transient accommodation
- D. One and one-half (1-1/2) parking spaces for each person shall be provided for the following establishments:
1. Dormitory
 2. Lodging House
 3. Rooming House
 4. Original has this as Subsection A.
 5. Other similar group quarters
- E. One (1) space for each two (2) employees (based on a maximum employee shift); plus one and

one-half (1.5) spaces for each four (4) patient beds; plus one (1) space for each staff doctor shall be provided for each of the following uses:

1. Convalescent homes
2. Homes for the aged or infirm
3. Hospitals and all other similar institutions

SECTION 4: Nonresidential Parking Required.

- A. One (1) parking space for each three (3) seats for patron use; plus one (1) space for each two (2) employees shall be provided for the following uses:
 1. Boarding house
 2. Private Club
 3. Lunch counter
 4. Nightclub
 5. Restaurants without drive-through service - One (1) space for every three (3) seats under maximum seating arrangement or one for every two hundred and fifty (250) square feet of dining area plus one for each employee to be on the premises at the highest staffed shift, whichever is greater.
 6. Restaurants with drive-through service - One (1) space for every four seats under maximum seating arrangements or one for every four hundred (400) square feet dining area plus one for each employee to be on the premises at the highest staffed shift, whichever is greater.
- B. One (1) parking space for each four (4) seats; plus one (1) parking space for each two (2) employees shall be provided for the following uses:
 1. Churches (when seating more than 20)
 2. Funeral parlors
 3. Theaters
 4. Motion picture houses
- C. One (1) parking space for each three hundred (300) square feet of gross floor area; plus one (1) space for each two (2) employees shall be provided for the following use;
 1. Medical Office/Clinic
 2. Dental Office/Clinic
- D. One (1) parking space for each four hundred (400') square feet of gross floor Area
 1. Public or private school
- E. One (1) parking space for each four hundred (400) square feet of gross floor area; plus one (1) space for each two (2) employees shall be provided for the following uses. (Add one 12' x 35' loading space for each ten thousand (10,000) square feet of gross floor area in uses marked*):

1. Banks and other financial and leading institutions
 2. Gasoline and other motor fuel stations (retail service stations)
 3. Personal service shops
 4. Retail establishments, including all retail food stores, catering services, and bakeries
 5. Sales, display, customer, or office areas in wholesale establishments
 6. Shopping centers containing any combination of the above areas
 7. All office buildings
 8. Auto vehicles sales and repair
- F. One (1) parking space for each two (2) employees plus off-street drive and loading space for a minimum of four (4) cars for the transferring of passengers shall be provided for:
1. Day nurseries
 2. Day care centers
 3. Kindergartens
- G. One (1) parking space for each two (2) employees (based on maximum employees shift) plus at least two (2) visitor's parking spaces shall be provided for all industrial uses and on the same lot as the main building or on lot within 100 feet and zoned for business or industry.
- H. The following uses shall be determined only after review of a site plan by the Planning staff.
1. Airports
 2. Bus depots
 3. Truck terminals
 4. Terminal facilities and all other personnel or material terminal facilities
- I. Any business or industrial building, hospital, institution or hotel hereafter erected, constructed, reconstructed or altered, in any district, shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement of the public streets, alleys, or sidewalks.

SECTION 5. Surfacing and Screening.

All parking areas required above (except for SF-1, SF-2, and MF units), shall provide adequate surfacing and screening so as to emit no offensive dust, dirt, glare or noise when such lot abuts a lot in Districts SF-1 and SF-2.

SECTION 6. Special Off-Street Parking Regulations.

- A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- B. Whenever a lot or tract is used for off-street parking of motor vehicles in connection with an

office, retail, commercial or industrial use and in [is] adjacent to or across the street from a residentially zoned district, a solid privacy fence of not less than six (6) feet in height constructed of masonry or wood shall be erected and maintained so as to enclose the off-street parking areas so as to screen the parking use from adjacent residential districts.

- C. The areas in front of the required screening wall or fence shall be maintained in a clean and orderly condition free of weeds, debris, and trash.

SECTION 7. Off-Street Loading Space.

Off-Street loading space shall be provided on each lot in accordance with the following:

- A. All retail, commercial or industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive. Such space shall consist of minimum area of ten (10) feet by twenty-five (25) feet of for each twenty thousand (20,000) square feet of floor space or fraction in excess of three thousand (3,000) square feet in the building or on the lot.
- B. Kindergartens, day schools and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street to accommodate a minimum of four (4) cars for the loading and unloading of persons cared for by the establishment.

SECTION 8. Handicap Compliance - Off-Street Parking.

The following is in compliance with the Americans with Disabilities Act (ADA) passed in 1990:

Total Parking in Lot	Required Minimum Number of Accessible 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 1000	*
1000 and over	**

* Two (2) percent of total.

** Twenty (20) plus one (1) for each 100 over 1000.

Parking spaces for disabled people shall be at least eight (8) feet wide and shall have an adjacent access aisle five (5) feet wide minimum.

SECTION 9. Off-Street Parking - Existing Structures.

- A. Additional off-street parking shall not be required for existing structures located in OP, NS, and C-1.
- B. Off-street parking shall be required in all districts when any structure is erected, enlarged or increased in capacity or when a new structure is constructed.

SECTION 10. Towing, Wrecking, or Wrecked Vehicle Storage Service.

In no event shall any single stored vehicle remain on a storage lot for a period in excess of ninety (90) days. No wrecking, salvage, dismantling or sales of used auto parts shall be conducted from towing or wrecker service premises, or from the premises on which such vehicles are stored. Additionally, should any such vehicles remain on a storage lot for a period in excess of ninety (90) days, the lot shall be deemed to be a "Towing/Wrecker Service" under the provisions of this zoning ordinance.

CHAPTER 8: HEIGHT REGULATIONS

SECTION 1. Residential Zone Regulations.

No building or structure shall be located, erected or altered in any residential zone so as to exceed three (3) stories without prior public hearing and approval by the Zoning Board of Adjustments.

SECTION 2. Nonresidential Zone Regulations.

In nonresidential zones, the permissible building heights shall be consistent and compatible with the surrounding buildings and shall not place an undue significant burden on adjacent or nearby properties. Buildings greater than five (5) stories shall be subject to review, with a public hearing and approval of the Zoning Board of Adjustments.

SECTION 3. Mixed Use Regulations.

Proposed land uses encompassing a combination of residential and nonresidential components shall adhere to the standards stipulated in Section 8.02, Nonresidential Zone Regulations.

CHAPTER 9: LANDSCAPING

Section 1: Amending Ordinance Number 2252 as codified in the City's Code of Ordinances in Chapter 14, Section 9 Landscaping.

Section 2: Definitions.

For the purpose of the administration and enforcement of this ordinance and unless otherwise stated in this ordinance, the following words shall have the meaning as indicated in this section, except where the context clearly indicates a different meaning.

Architectural Planters means a fixed or permanently installed container or structure, typically constructed from materials such as concrete, stone, metal, or brick, that is designed to hold soil and support live plant material as part of a building's exterior or site landscaping. Architectural planters are used to enhance aesthetic appeal, define walkways or building entries, and contribute to required landscaping. Temporary pots or movable containers shall not be considered architectural planters for the purposes of this ordinance.

Berm-means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer means a visual screen constructed of wood, concrete block, masonry, or landscape material in such a manner that adjacent property will be screened from the use contemplated, so that noise, solid waste, or other objectional influences will be avoided. Such buffer shall be horizontal to the ground, a minimum of six feet in height, and 100 percent opaque, except where extraordinary circumstances exist, or where additional height is required by state law or will more adequately accomplish the desired end.

Caliper-means the diameter of a tree at six inches above natural grade.

Dripline-means the vertical line extending from the outermost portion of the tree canopy to the ground.

Frontage means lineal distance measured along all abutting street right-of-way.

Ground cover means low growing plants in such a manner as to form a continuous cover over the ground, normally reaching an average maximum height of not more than 24 inches at maturity. Grass is not classified as a ground cover for purposes of this article.

Landscape means trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this ordinance.

Mulch means nonliving organic and inorganic materials customarily used in landscape design to retard erosion and retain moisture.

Net Area means the portion of a property that is available for calculating landscaping requirements. It excludes areas covered by buildings, public street rights-of-way, and other non-landscapeable features such as utility easements or alleys.

Non-residential-means Multi-Family Residential (MF), Planned Development District (PDD) where site plan indicates nonresidential uses, Commercial Restricted Business (C-1), Commercial General Retail Business (C-2), Heavy Industry (HI), Light Industry (LI) and any other nonresidential zoning district as may be created hereafter.

Parking bay means a marked and designated area within a parking facility intended for the parking of a single motor vehicle, delineated by painted lines, curbs, or other physical boundaries, and constructed to meet minimum dimensional standards.

Planting area means any area designed for landscape planting having a minimum of ten square feet of actual plantable area and an inside dimension on any side of at least 18 inches.

Residential means Single-Family One (SF-1), Duplex Residential (SF-2), Mobile Home (MH) and Planned Development District (if site plan shows only residential uses).

Shrub means any self-supporting woody evergreen and/or flowering species.

Sod-the top layer of turf harvested for transplanting.

Street yard means the area of a lot which lies between the street right-of-way line and the front wall building line, determined in accordance with the provisions of this ordinance.

Tree means any self-supporting woody plant of a species which normally grow to an overall height of a minimum of 15 feet in the lower Rio Grande Valley of Texas. Palm trees are also included in this category.

Vines means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or by means of tendrils or which may simply sprawl over the ground or other plants.

Section 3: Purpose and Objectives

- (a) It is the intent of this section to establish minimum standards for the provision, installation, protection and maintenance of landscape materials in new residential and nonresidential developments in order to promote the orderly, safe and environmentally sound development of land located within the corporate limits thereby promoting the health, safety and general welfare of the community. It is also aimed at achieving goals and objectives in the comprehensive plan.
- (b) The regulations contained herein are necessary to enhance the community's aesthetic, environmental and economic structures. The importance of preserving and improving the natural environment and maintaining a working ecological balance is of increasing concern. The use of landscape elements can effectively contribute to the processes of air purification, oxygen regeneration, water absorption and noise, glare and heat abatement, as well as the preservation of the community's aesthetic qualities.
- (c) It is also recognized that it is possible to realize numerous beneficial effects of landscaping, including the following:
 - (1) Landscaping can minimize demands on the city storm sewer system by preserving natural drainage.
 - (2) The improvement of air and water quality is achieved through such natural processes as photosynthesis and mineral uptake.

- (3) The use of trees and other plants reduces erosion by the binding of soil particles with their roots, thus holding the soil together against the effects of wind and water.
- (4) Vegetation reduces and/or reverses air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.
- (5) Landscaping reduces hot air temperatures caused by paved surfaces and automobiles through the process of transpiration associated with green material. Vegetation also helps promote energy conservation through the creation of shade, reducing heat gain in, or on, buildings and paved areas.
- (6) Landscaping provides visual buffering and beautifies the appearance of setbacks and parking areas within the city.
- (7) The use of landscaping also enhances the safety of parking lots by guiding the circulation of cars and people and by ensuring that the driver's vision is unobstructed.
- (8) Preservation of landscaping protects, preserves and increases the value of property.
- (9) The use of landscaping helps create natural habitat that supports eco-tourism.

Section 4: Applicability.

These landscaping requirements shall be applicable to construction of new structures for which a building permit is required for any residential or nonresidential uses, and expansion of structures used for commercial and industrial uses.

Section 5: Residential landscape requirements.

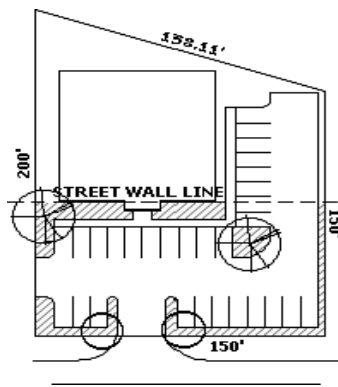
- (a) Installation: All landscape materials must be placed within the net area of the lot and installed with proper workmanship following standard planting practices
- (b) Maintenance: The owner of the building, or his manager or agent, shall be responsible for the maintenance of all landscape areas, 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 a readily available water supply and watered regularly to ensure continuous healthy growth and development. If it is found that maintenance has not been maintained for a landscaped area the enforcing official shall take the necessary procedures as outlined under **Section 13: Enforcement of Ordinance.**
- (c) Front yard and side yards:
 - (1) Lawn grass. All front yards and side yards on all lots, up to the forward most wall that extends from side of the house to the side of the property line must be sodded prior to the occupancy of the house. Side yards on corner lots must be sodded the full length of the property line adjacent to the street. Grass areas should be planted in species normally grown as permanent lawns in the city, such as St. Augustine & Bermudagrass.
 - (2) Ground cover. 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.
 - (3) Shrubs. Shrubs should be a minimum of one foot in height when measured immediately after planting.

- (4) 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.
- (5) Synthetic lawns or plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
- (6) Each residential lot shall be required to have a minimum of one shade tree planted within the front yard area from the preferred plant list. The tree must be located between the front building line and the front property line and must be planted in a location that does not obstruct visibility or interfere with utilities. The tree shall be a minimum of two inches (2") in caliper at the time of planting. This requirement ensures enhanced curb appeal, provides shade, and contributes to the overall aesthetic and environmental quality of the neighborhood.
- (7) Architectural planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.
- (8) All landscaping shall be in place prior to issuance of certificate of occupancy.
- (d) Rear yard:
A privacy fence shall be required to enclose the rear yard of all single-family detached residences including patio homes and shall comply with.
- (e) This section of residential landscape requirements does not apply to the following:
 - (1) Permits for remodeling or expansion of a single-family detached residence.
 - (2) Substantial restoration, which occurs within a period of twelve (12) months of an incident that causes a building to be damaged by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind.
 - (3) Interior or facade maintenance or remodeling as long as the front and side exterior walls of the building remain in the same location.
 - (4) Carports, canopies, and freestanding covers supported by columns.

Section 6: Nonresidential, town home, and multifamily landscape requirements.

- (a) Site development review.
 - (1) For all developments for which a landscape plan is required separately or as part of the site development permit application, a grading and tree protection plan shall be submitted with the site development plans. The plan shall be prepared to maximize the number of existing trees eight (8) caliper inches and larger on the site that will be retained with the development. Existing trees nineteen (19) caliper inches and larger ones that are removed shall be mitigated at a 1:3 ratio of caliper inches for newly planted trees.
 - (2) The landscape plan shall include the following information:
 - A. The date, scale, north point, title and name of owner.
 - B. The location of existing boundary lines and dimensions of the tract.
 - C. The approximate centerline of existing watercourses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, existing and proposed easements on or adjacent to the lot, existing and proposed parking spaces, or other vehicular areas, access aisles, drives, and existing and proposed sidewalks adjacent to the street;

- D. The location and species of each existing tree having a trunk six-inches caliper or larger.
 - E. The location and names of existing vegetation to be preserved.
 - F. An indication of how the applicant plans to protect the existing trees and vegetation, which are proposed to be retained, from damage during construction.
 - G. The location, size, and type (tree or shrub, ground cover, or grass) of proposed landscaping, together with a plant listing that includes the common and botanical name, quantity, size and spacing of all proposed landscaping material at time of planting.
 - H. Planting and installation details in accordance with American Standard for Nursery Stock (ANSI Z60.1).
 - I. Credit for existing trees. Any trees preserved on a site meeting the herein specifications shall be credited toward meeting the tree requirement of any landscaping provision of this section. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species, may at the discretion of the city manager or designee, be credited as two trees for the herein minimum requirements.
- (b) Landscape requirements. For properties zoned MF, PDD, C-1, C-2, HI, and LI the following minimum landscape requirements shall be provided:
- (1) Twenty-five percent (25%) of the existing trees on the site that are six- inch caliper or greater and are from species included in the preferred plant list or of equivalent value shall be retained and protected during development of the site.
 - (2) Based on special circumstances of the site such as physical characteristics or traffic issues, any request to retain less than twenty five percent (25%) requires the approval of the City Manager or their designee.
 - (3) Street yard requirements.
 - A. On all lots, at least twenty percent (20%) of the area of the street yard shall be landscaped area.

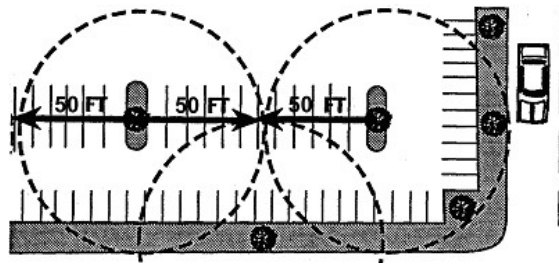


- B. Self-storage facilities: Street yard requirements shall apply to the area between the required twenty-five-foot buffer area and the front building walls.
- C. For development without a building, (parking lots, etc.) the entire lot shall be considered the street yard.

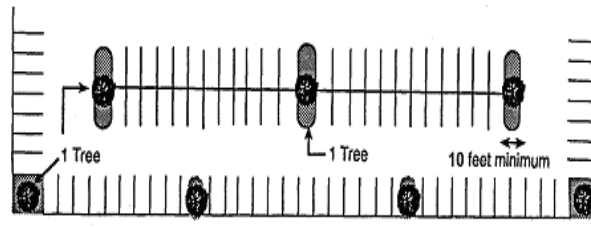
- D. Any detention/retention facilities within the front yard setback area, shall be designed as an integral part of the landscape, including a slope no greater than 4:1, no concrete except at the outlet.
- E. Detention/retention ponds shall be constructed so that, whenever possible, they do not require a fence. Whenever such a situation does require fencing, such fencing shall be black or green coated chain-link and shall be buffered from the street view by planting shrubs and vines that will, at maturity, screen at least sixty percent (60%) of the view of the fence. Bottom of detention/retention ponds shall be sodded or seeded with water tolerant planting. Shrubs and grasses are acceptable.
- F. In required landscaped street yard areas less than 10,000 square feet, at least one (1) shade/canopy tree and three (3) shrubs shall be retained or planted within the street yard for every one thousand (1,000) square feet of required street yard. In required landscaped street yard areas containing between 10,000 and 110,000 square feet, (1) one shade/canopy tree for every required 2,500 square feet of landscaped area is required over the requirement of 10 trees and thirty (30) shrubs. In required landscaped street yard areas containing over 110,000 square feet, (1) one shade/canopy tree for every required five thousand (5,000) square feet of landscaped area is required over the requirement of fifty (50) trees and thirty (30) shrubs.

(4) Parking areas.

- A. Parking lots and all vehicular parking and maneuvering areas, including loading zones, unless specifically exempt below, shall be buffered from street view and adjacent properties and shall contain areas constructed, planted and maintained as landscaped islands, peninsulas, or medians.
- B. The minimum total area in landscaped islands, peninsulas and medians in the street yard shall be ninety (90) square feet for each twelve (12) parking spaces; in the area outside the street yard, the area shall be sixty (60) square feet.
- C. The area within landscaped islands, peninsulas and medians that are located in the street yard counts toward the twenty percent (20%) landscape requirement.
- D. No parking space shall be located further than fifty (50) feet from a permeable landscaped island, peninsula or median and a tree, except for parking lots that contain more than three (3) parking modules. They shall be located evenly through the parking areas; however the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.



- E. A planting median shall be placed between every third parking bays, at a minimum, to prevent traffic movement across parking isles.
1. The planting median shall be a minimum of 9 feet wide and may include a sidewalk, where necessary for pedestrian circulation.
 2. The planting median shall contain the following vegetation, at a minimum:
 - a. One tree planted 35 feet on center, in a continuous or staggered row.
 - b. Ten shrubs for every tree required, planted in rows or clustered groups.
 3. The planting median shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The breaks shall allow for ADA accessibility from one side of the planting median to the other and onto the sidewalk within the planting median if a sidewalk is located within the median.



- F. Terminal islands at both ends of a parking bay shall contain landscaping. Landscaping should maintain clear zones in accordance with the Transportation Criteria Manual standards to provide sight visibility.
- G. Parking spaces shall be buffered from the street view. Parking spaces shall also be buffered from adjacent properties by a minimum 5' wide planting area except where there is shared access and/or shared parking between such uses.
1. Buffering consists of screening at least sixty percent (60%) of the view of parking areas by using plantings, berms and decorative walls.
 2. Shrubs must be evergreen and a minimum of two (2) feet tall at time of planting, with predominately a mature height of three to four (3-4) feet.
 3. Decorative walls shall not exceed three (3) feet in height. Walls and berms shall not predominate over the use of vegetative materials.
 4. Plantings, fences, or walls shall be set back a minimum of three (3) feet from the curb or wheel stop to allow for the overhang of the vehicle; plantings shall have a minimum of three (3) feet for planting area.

5. If a change in grade or elevation provides an equivalent level of screening for the parking lot as the vegetative screen, the buffering requirements shall be considered to be met.

Section 7: Exemption from Landscape Requirements.

Construction or expansion of existing buildings in the downtown area will be exempt from landscaping requirements when there is insufficient space to meet those requirements.

Section 8: Fence Regulations.

(a) General regulations.

- (1) Fences shall not impede drainage.
- (2) No fence or other structure more than thirty (30) percent solid or more than three (3) feet height shall be located so that it impairs the sight distance triangle at the intersection of any rights-of-way.
- (3) Fences and walls must be maintained in a safe manner, plumb (vertically) to the ground. Fences or walls no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise must be repaired, replaced, or demolished. Failure to maintain a fence or wall in accordance with this section constitutes a violation of this section.
- (4) Fence height is measured from the natural grade where the fence post is set to the highest edge of the post.
- (5) All residential fences perpendicular to an existing subdivision wall shall meet the subdivision wall at the same height as the existing wall and may transition to a maximum of six (6) feet in height.
- (6) Fences located within a designated floodplain shall be designed to laydown when a flooding event occurs. They shall be located perpendicular to the primary flow of water when possible.

(b) Residential fences.

Front yard fences extending past the forward most portion of the house structure to the front and side lot property lines may be constructed under the following terms and conditions:

- (1) Solid face fences, such as solid masonry face fences, shall be restricted to a height of no more than three (3) feet in height above the grade of the yard and at least twenty (20) feet back from such front property line along and side property line of a street corner.
- (2) Ornamental and decorative fences of not more than six (6) feet, such as ornamental iron allowing reasonable through vision and substantially free air flow shall have no height restriction other than the applicable to permanent structures.
- (3) Solid rear and side fences are restricted to a height of no more than six (6) feet for residential areas and are subject to the sight triangle on a corner where a street or alley intersects with another.

- (4) Fences required to enclose rear yards of two-family/duplexes residences shall be a minimum of four (4) feet and a maximum six (6) feet in height and shall provide separate enclosures with gates for each unit. Fences to be located along a public right-of-way shall face the finished edge toward the public right-of-way.
- (c) Nonresidential fences.
 - (1) A solid screening fence of not less than six (6) feet in height shall be constructed in the side and/or rear yard of a commercial zoning district dividing the district from any residential district.
 - (2) Solid face front yard fences may be maintained at a height of no more than six (6) feet up to the lot line providing they do not obstruct traffic view for an approach of at least 20 ft on an approach to a street and 10 ft on the approach to an alley.
 - (3) Both sides of all fences shall be finished.
- (d) Prohibited fence types:
 - (1) Fences or walls constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock for agricultural purposes in RA districts or properties that have an agriculture exemption.
 - (2) Fences or walls carrying electrical current, except for the purpose of enclosing livestock for agricultural purposes in RA districts or properties that have an agriculture exemption.
 - (3) Fences or walls constructed of paper, cloth, canvas, or similar highly flammable material; and
 - (4) Fences or walls topped with barbed wire or razor wire, except as used by developments within industrial zoning districts, public institutions, or utilities for public safety or security purposes.

Section 9: Screening requirements for non-residential only.

- (a) Screening requirements for outdoor storage, dumpsters and equipment.
 - (1) For areas containing outdoor storage, one (1) of the following shall be provided:
 - (A) A privacy fence that is in conformance with the provisions specified in this Article; or
 - (B) A hedge-like screen of evergreen plant material capable of attaining a minimum height of six (6) feet at maturity, planted at equal intervals of four (4) feet on center and a minimum of two-and one-half (2-1/2) feet in height at time of planting. A vegetative screen planting area shall be at least ten (10) feet wide. Existing vegetation may be used as screening; however, the area must contain the equivalent of one (1) canopy tree, two (2) ornamental trees and six (6) shrubs.
 - (2) For outdoor condensers, utility huts, and other building service equipment, such equipment shall be completely screened from view on all sides using a vegetative screen with at least two (2) varieties of plant material from the preferred plant list that, at maturity, is at least the height of the equipment to be screened.
 - (3) All refuse and/or recycling containers shall be completely screened from public view and the view of adjoining properties.
 - (A) Constructed of any one or more of the following materials and include an opaque gate:

- redwood;
- rough cedar;
- pressure treated lumber;
- brick;
- concrete; and
- masonry materials

Metal and plastic are prohibited materials for any visible exterior wall of the commercial waste enclosure, except for the required opaque gate.

Note: All wood screening materials shall be maintained in good condition at all times, as determined by the City.

- (B) An opening shall be situated so the container is not visible from adjacent properties, public streets, or visible to the public maneuvering on site, unless the opening is equipped with an opaque gate. Gates must have tiebacks to secure in open position and fasteners to keep them closed.
- (C) Dumpster pads shall be placed on concrete six (6) inches in thickness, twelve (12) feet in width and ten (10) feet in depth. The dumpster pad for a metal side loaded container shall be nine (9) feet in width and six (6) feet in depth. A 300/90-gallon pad site shall be three (3) feet in width and three (3) feet in depth.
- (D) Dumpsters may not be located in the street right-of-way or fire lanes They shall be placed as to not interfere with the physical integrity of any curb, sidewalk and/or public parking.
- (E) Dumpsters must be located a minimum of fifty (50) feet from any single-family residential property line.
- (F) Enclosures shall not be located closer than thirty feet (30) of any storm drain or in drainage flow areas.
- (G) Dumpsters must be located a minimum of fifteen (15) feet from existing or proposed trees.

Section 10: Planted street medians (traffic islands) residential and nonresidential.

When necessary and appropriate, planted street medians should be used to define vehicular and pedestrian circulation.

- (1) Whenever possible, the existing trees in the areas of the proposed island should be preserved and measures shall be taken to ensure that adequate protection of the trees during construction shall be provided. All branches shall be pruned to a height of seven (7) feet from the ground and all vegetation between thirty (30) inches and seven (7) feet shall be cleared to provide for clear sight distance.
- (2) In areas without existing trees, one four-inch caliper, or three two-inch caliper shade/canopy trees for every 1,000 square feet of planting area shall be provided with ground cover planted at one-foot centers in a checkerboard pattern.
- (3) All plant material must exhibit a mature canopy height under thirty (30) inches or above seven (7) feet with no more than three trunks in order to allow adequate visibility. All plants

shall be tolerant of harsh, dry, roadside conditions. All planting must be designed to consider the level of expected maintenance and provide a neat clean appearance.

- (4) All plantings within a sight triangle or distance area must be maintained under twenty-four (24) inches or above seven (7) feet, as measured vertically from top of adjacent raised curb and must be approved by the Director of Planning and Development, or their designee.
- (5) If an existing trees dripline is located within ten (10) feet or less of an existing curb, install root barrier along existing curb to minimize potential root damage to existing curb.

Section 11: General Planting Requirements

All planting shall be designed to consider the level of expected maintenance and provide a neat and clean appearance.

- (1) Unless otherwise specified in this Article, at time of planting:
 - (A) All shade/canopy trees planted shall be a minimum of 3" caliper measured one (1) foot above finished grade.
 - (B) All ornamental trees shall be a minimum of fifteen-gallon container grown nursery stock.
 - (C) All shrubs shall be a minimum of five-gallon container grown nursery stock.
 - (D) Evergreens trees shall be a minimum of 6' tall at time of planting.
 - (E) All ground cover at time of planting shall be one-gallon container grown nursery stock. Ground cover shall be planted at two-foot intervals in a checkerboard pattern to provide for quick coverage, discourage erosion and discourage weed growth.
- (2) For berms, the maximum side slope is 4:1 and shall be entirely vegetated with turf grass or ground cover within two (2) years after the date of planting. When using grass, solid sod shall be used at time of planting on areas subject to erosion.
- (3) All required landscape areas shall consist of at least fifty percent (50%) live plant material. Hardscape (nonliving landscape features) shall not predominate the use of living plant materials. All required landscape areas adjacent to pavement shall be protected with concrete curbs or equivalent barriers.
- (4) Requirements of tree types shall be as follows:
 - (A) A minimum of seventy-five percent (75%) of all required trees shall be shade/canopy trees for all nonresidential properties.
 - (B) A maximum of fifty percent (50%) of the required trees may be substituted by shrubs adjacent to retail storefronts where deemed necessary. Five (5) shrubs shall be substituted for each tree that is otherwise required.
- (5) Trees shall not be placed in easements, where they interfere with site drainage or streetlights, or where they will require frequent pruning to avoid interference with overhead power lines.
 - (A) Trees shall be planted at least six (6) feet from edge of driveways.
 - (B) Trees shall be planted at least six (6) feet from underground utilities and twenty (20) feet from overhead lines.
 - (C) Trees shall be planted at least ten (10) feet from fire hydrants.
 - (D) Trees shall be planted a minimum of six (6) feet from the back of the curb.

- (6) All mulched areas shall have at least three (3) inches of shredded mulch. Gravel shall not be used as a mulch for plantings or in planting beds. Extensive unplanted stone or mulch beds shall be prohibited.
- (7) The use of architectural planters may be permitted toward the fulfillment of landscape requirements.
- (8) Any approved decorative hardscape or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but not to exceed twenty-five percent (25%) of the area to be landscaped. No credit shall be given for concrete or other impervious surfaces.
- (9) Landowners are encouraged to landscape and maintain the areas within the nonpaved street right-of-way abutting their land, provided however:
 - (A) The City or other applicable governmental jurisdiction may at any time require such landscaping to be removed and the City shall not be responsible or liable in the event any landscaping in the right-of-way must be removed or is requested to be removed by the City.
 - (B) Landscaping in the right-of-way shall observe the provisions pertaining to traffic and pedestrian safety in accordance with the Transportation Criteria Manual.
 - (C) Any underground sprinkler systems, planters or other permanent structures placed on the right-of-way shall require a license agreement with the City. When any other governmental jurisdiction is trustee of the public right-of-way at the particular location in question, arrangements must be made with that jurisdiction.
 - (D) No landscaping shall be placed in an area of right-of-way where a capital improvement project has been funded for such location, unless and until such project has been completed.
- (10) All required plant materials shall be installed according to the American Standard for Nursery Stock (ANSI Z60.1) adequate to sustain vigorous and healthy growth. These may include, but not be limited to, methods used to:
 - (A) Protect and support tree trunks (guying, staking, trunk wrapping).
 - (B) Provide adequate conditions for root growth (type of soil mix, planting hole depth and diameter, pruning for proper root/crown balance, etc.).
 - (C) Provide for retention of moisture (mulching, berming, watering schedule, etc.); and
 - (D) Protect plants from equipment damage (mulching and edging for shrub beds, sleeves for tree trunks, etc.).
- (11) All landscaping shall be installed prior to issuance of a certificate of occupancy. In the case of seasonal restrictions because of severe weather or seeding, the owner may post fiscal sureties for the full cost of materials and installation of the landscaping remaining. The owner will then have thirty (30) days from the date of the season to proceed to fully complete installation.

Section 12: Exceptions.

The City Manager, or their designee, shall have the power to grant approval in special cases where there are unusual and practical difficulties or unnecessary hardships created in meeting the requirements of this ordinance. The guidelines to be used in determining whether an exception should be granted are as follows:

- (1) That meeting the requirements of this ordinance would prohibit an owner of property from using land for a use that the zoning ordinance expressly permits.
- (2) That the hardships or difficulties of meeting the requirements of this ordinance are peculiar to that property, and not general in character.
- (3) That the lack of landscaping will not be detrimental to adjoining property or to the health, safety and welfare of the general public.
- (4) That the hardships and difficulties of the landscaping are greater than the benefits derived by the general public.

Financial hardship due to meeting the requirements of this ordinance is not sufficient to show unnecessary hardship, unless the financial difficulties amount to confiscation of property.

Section 13: Enforcement of ordinance.

- (a) The Director of Planning, or their designee, shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this ordinance and securing compliance therewith. In furtherance of this responsibility, the enforcing official shall:
 - (1) Make such inspections as may be necessary to effectuate the purposes and intent of this ordinance and to initiate appropriate action to bring about compliance with this ordinance, if such inspections disclose any instance of noncompliance.
 - (2) Investigate thoroughly any complaints of alleged violations of this ordinance and indicate clearly in writing as a public record in his office the disposition made of such complaints.
 - (3) Order in writing as set out in this section the remedy of all conditions or all violations of this ordinance found to exist in or on any premises.
 - (4) State in the violation order a time limit for compliance with this ordinance, as set out in this section.
 - (5) Take appropriate legal action upon the failure of the responsible party to comply with such violation order at the time specified therein.
- (b) The enforcing official or his agent is authorized and directed to lawfully enter in and upon all premises at reasonable times to determine their condition insofar as the provisions of this ordinance are applicable.
- (c) Whenever the enforcing official determines that a violation of this ordinance exists, he shall take action as follows:
 - (1) Give written notice of the violation to the management agent or the owner shown on the most recent tax roll of the city. A copy of such written notice shall be transmitted to the planning director.

(2) The notice shall include:

- A. A description of the location of the property involved, either by address or by legal description.
- B. A statement indicating the nature of the violation and reason or reasons why the notice or the violation is being issued.
- C. A specification of the section or sections of this ordinance upon which the notice of violation is based.
- D. A general description of the things that are required to be done in order that the premises comply with the provisions of this ordinance.
- E. A statement showing the time within which the work must be accomplished in order to comply with the provisions of this ordinance, which requirement as to time may not be less than ten days nor more than 30 days from the date of such written notice.
- F. The name or names of the persons upon whom the notice of violation is served.
- G. A statement advising that upon the failure to comply with the requirements of the notice, the city shall take such enforcement procedures as may be required under this ordinance in order to secure compliance.
- H. A statement advising of the procedures available for review of the action of the enforcing official as set out in this ordinance.

(d) Notice of violation.

- (1) Service of the written notice required by this ordinance shall be deemed complete if personally delivered to the persons required under the provisions of this ordinance to be served with such notice, and if such notice cannot be personally delivered within the city, then service shall be deemed complete upon sending the notice by certified mail, return receipt requested, to the last known address of such persons and by posting a copy of such notice in a conspicuous place on the premises.
- (2) The enforcing official shall endorse on the copy of the written notice forwarded to the planning director the manner of service of the notice or notices as are required by the provisions of this section.

Section 14: Penalty for violation of ordinance.

Any person violating any provision of this ordinance within the corporate limits of the city shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200.00. Each day that such violation continues shall be a separate offense. Prosecution or conviction under this section shall never be a bar to any other remedy or relief for violations of this ordinance.

Section 15: Conflicting provisions.

Whenever the standards and specifications in this ordinance conflict with those contained in another ordinance provision, the most stringent or restrictive provision shall govern.

Section 16: Preferred plant list.

The following landscape materials are acclimated to the Rio Grande Valley Region of Texas. Due to the variety of planting and soil conditions, the City of San Benito does not warrant the survival or prosperity of any plant material included in this list. This list may, from time to time, be updated without requirement to go before city commission for approval.

<u>Trees</u>	
<u>Common and Scientific Name</u>	<u>Remarks</u>
<u>Texas Ebony (Ebenopsis ebano)</u>	
<u>Live Oak (Quercus virginian)</u>	<u>60 ft., drought and freeze hardy, acorn fruit, plant in big open areas</u>
<u>Wild Olive (Cordia boissierei)</u>	<u>20 ft., white showy flowers, drought and freeze hardy to 20F</u>
<u>Texas Persimmon (Diospyros texana)</u>	<u>15 ft., attractive bark, fragrant blooms, drought and freeze hardy</u>
<u>Texas Red Oak (Quercus texana)</u>	<u>30'-40' white patches on dark bark, fall color</u>
<u>Youpon Tree (Ilex vomitoria)</u>	<u>25 ft., evergreen, red fruit in winter, drought and freeze hardy</u>
<u>Mexican Ash (Fraxinum berladieriana)</u>	<u>30 ft., attractive bark, pest free ash, drought and freeze hardy</u>
<u>Abacua / Sandpaper Tree (Ehretia anacua)</u>	<u>40 ft., dense foliage, fragrant flowers, drought and freeze hardy</u>
<u>Ebony (Pithecellobium flexicule)</u>	<u>50 ft., dark green foliage, evergreen, freeze and drought hardy</u>
<u>Huisache (Acacia farnesiana)</u>	<u>30 ft., fragrant orange blossoms, drought, flood and freeze hardy</u>
<u>Retama (Parkinsonia aculeata)</u>	<u>32 ft., airy branching, striking yellow flowers</u>
<u>Mesquite (Prosopis glandulosa)</u>	<u>30 ft., airy branching, fragrant flowers, drought and freeze hardy</u>
<u>Persimmon (Diospyros texana)</u>	<u>Good near power lines, slow growth</u>
<u>Ficus (Ficus retusa nitida)</u>	<u>Freeze damage possible, aggressive roots</u>
<u>Crape Myrtle (largerstoemia indica)</u>	<u>Many varieties available</u>
<u>Desert Willow (Chilopsis lineraris)</u>	<u>15'25', orchid-like blooms</u>
<u>Mexican Plum (Prunus mexicana)</u>	<u>15'-25', white spring blooms, wildlife food</u>

<u>Palms</u>	
<u>Common and Scientific Name</u>	<u>Remarks</u>
<u>Sabal Palm (sebal texana)</u>	<u>50 ft., Valley native, drought and freeze hardy at 12F</u>

<u>California Fan Palm (Washingtonia filifera)</u>	<u>30 ft., disease, drought and freeze hardy at 15F</u>
<u>Mexican Fan Palm (Washingtonia robusta)</u>	<u>50 ft., disease, drought, and freeze hardy at 20F</u>
<u>Mediterranean Fan Palm (chamaerops humilis)</u>	<u>15ft., pest, drought, and freeze hardy at 10F, blue-green leaves</u>
<u>Pindo Palm (butia capitata)</u>	<u>15ft., drought, flood and freeze hardy at 15f, attractive trunk</u>
<u>Queen Palm (arecastrum romanzoffianum)</u>	<u>Freeze damage possible</u>

<u>Shrubs</u>	
<u>Common and Scientific Name</u>	<u>Remarks</u>
<u>Cenizo (Leucophyllum frutescens)</u>	<u>Gray shrub with dense leaves; evergreen</u>
<u>Texas Kidneywood (Eysenhardtia texana)</u>	<u>3-10' tall; open airy structure</u>
<u>Brasil / Bluewood (Condalia hookeri)</u>	<u>Large shrub to small tree; thorny branched</u>
<u>Blackbrush Acacia (Acacia rigidula)</u>	<u>Small shrub to small tree; open airy structure</u>
<u>Bougainvillea (bougainvillea spp.)</u>	<u>Many varieties available</u>
<u>Hibiscus (hibiscus rosa-sinensis)</u>	<u>Many varieties available</u>
<u>Lantana (lantana camara)</u>	<u>Many varieties available</u>
<u>Liriope (liriope muscari)</u>	<u>Many varieties available</u>

<u>Ground Cover</u>	
<u>Comon and Scientific Name</u>	<u>Remarks</u>
<u>Hybrid Daylily (hermerocallis hybrid)</u>	<u>Various colored blooms, medium drought hardy, full sun or partial shade</u>
<u>Society Garlic (tulbaghia violacea)</u>	<u>Pink blooms, grass-like plant, drought tolerant, full sun, ever blooming</u>
<u>Gerber Daisy (gerbera jamesonii)</u>	<u>Bold pink, coral, orange, red, yellow, needs water, needs iron</u>
<u>Mexican Heather (cuphea hyssopifolia)</u>	<u>Continuous pink-purple blooms, fern-type leaves, needs water</u>
<u>Shasta Daisy (chrysanthemum x superbum)</u>	<u>White and yellow blooms, evergreen, needs water</u>
<u>African Iris (morea iriodes)</u>	<u>White blooms, drought hardy</u>
<u>Red Flowering Yucca (hesperaloe parviflora)</u>	<u>Reddish-pink blooms, blue-green ribbon leaves, drought and freeze hardy</u>
<u>Lily Turf (liriope muscari)</u>	<u>Broad leaf, grass-like plant, drought and freeze hardy</u>
<u>Wedelia</u>	<u>Drought resistant, lush, dark green with yellow flowers</u>

<u>Grasses</u>	
<u>Comon and Scientific Name</u>	<u>Remarks</u>
<u>Plains Coreopsis (Coreopsis tinctoria)</u>	<u>1-2'; Slender annual, yellow flowers</u>
<u>Mexican Hats (Ratibida columnifera)</u>	<u>Easy to grow wildflower; drought tolerant</u>
<u>Texas Frogfruit (Phyla nodiflora)</u>	<u>Good drought tolerant substitute for turf</u>
<u>Slender Grama (Bouteloua repens)</u>	<u>1-2'; Wispy native grass; drought tolerant</u>
<u>Little Bluestem (Schizachyrium scoparium)</u>	<u>1-2'; native bunchgrass for warm seasons</u>

CHAPTER 10: SIGN REGULATIONS

It is the purpose of this section to establish regulations for on-premise and off-premise outdoor advertising.

SECTION 1. Definitions.

- A. Off-Premises Outdoor Advertising means any outdoor signs, display, figure, painting, drawing, message, billboard, or any other thing which is designed, intended, or used to advertise or inform, any part of which advertising or information content is visible from any place on the main traveled way of the Expressway or any thoroughfare in the City; but does not include on premise signs advertising or identifying activities conducted on or products sold on the property upon which they are located.
- B. Expressway means that portion of U.S. Highways 77/83 located within the City of San Benito.
- C. Thoroughfare means any street, road, expressway, freeway, or highway located within the City of San Benito.
- D. Means all portions of an outdoor advertising structures, including structure, including structural elements, bases, sign, faces, trim and borders.
- E. Sign face means that portion of a sign, including the display area, border and trim, but excluding the base, supports, and other structural members, facing traffic moving in one direction and built on one structure.
- F. Back-to-Back Sign means a structure with two parallel sign faces oriented in opposite directions, or two structures, each with one sign face and located not more than ten (10) feet from an obstruction preventing both structures from being seen at the same time from any point along the traveled way.
- G. V-type Sign means a structure or structures with two or three sign faces, forming the shape of the letter "V" or a triangle when viewed from above, with an angle between any two (2) faces of not more than ninety (90) degrees.
- H. Painted Sign means a sign that is painted directly on an exterior surface of a building, window, or wall.

SECTION 2. On-Premise Signs.

- A. Downtown Overlay (DT-O) District: The Downtown Overlay (DT-O) District is exempt from the application of this section's requirements. All regulations pertaining to On-Premise signs in the DT-O District shall be governed by Section 12.07 of this Chapter.
- B. Location of Signs: Signs shall be permissible if located on private property and in conformance with the provisions of this Section and shall be permitted in the zones as set forth in the Zoning Ordinance.
- C. Size of Signs: The maximum area of a sign face shall be One Hundred Twenty-Eight square feet (128 sq. ft.), excluding cutouts, uprights, trim and apron. An off-premise sign shall not have a cutout area larger than twenty (20%) percent of the sign's surface copy area. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

D. Height of Signs: There shall be a maximum height restriction of eighty (80) feet for an on premise sign along Expressway 77/83 Frontage and fifty (50) feet within all other areas within the city limits of San Benito where signs are permitted by zoning district. The measurement shall be from the ground at the base of the sign supports or from the grade of the thoroughfare immediately adjacent to the highest point of the sign, whichever is of greater height. The minimum height restriction shall be as follows:

Face Area of Sign	Minimum Height of Sign
Less than 30 square feet	No Minimum
30 square feet - 73 square feet	10 feet
73 square feet - 100 square feet	15 feet
100 square feet - 300 square feet	25 feet
301 square feet - 672 square feet	30 feet

SECTION 3. Off-Premise Signs.

- A. Downtown Overlay (DT-O) District: The Downtown Overlay (DT-O) District is exempt from the application of this section's requirements. All regulations pertaining to Off-Premise signs in the DT-O District shall be governed by Section 12.07 of this Chapter.
- B. Location of Signs: Signs shall be permissible if located on private property and in conformance with the provisions of this Section and shall be permitted in the zones as set forth in the Zoning Ordinance.
- C. Size of Signs: The maximum area of a sign face shall be six hundred seventy-two (672) square feet, excluding cutouts, uprights, trim and apron. An off-premise sign shall not have a cutout area larger than twenty (20%) percent of the sign's surface copy area. For signs of a double faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.
- D. Spacing of Signs: Property fronting thoroughfares and all properties zoned commercial shall be subject to the following:
 - 1. For the purpose of this regulation, each side of the thoroughfare shall be considered separately.
 - 2. V-type or back-to-back signs shall be considered one (1) sign.
 - 3. An off-premise sign having a face area of 301 square feet or more shall not be erected within 3,000 feet of another off-premises.
 - 4. An off-premises sign having a face area of at least 100 but less than 301 square feet shall not be erected within 1,000 feet of another off-premise.
 - 5. An off-premise sign having a face area of less than 100 square feet shall not be erected within 150 feet of another off-premise sign.

- 6. Signs located at the same intersection are not in violation of this section because of their proximity to one another if they are located so that their messages are directed toward traffic flowing in different directions.
 - 7. No sign shall be located in such a manner as to obstruct, or otherwise physically interfere with the effectiveness of, an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.
 - 8. No Advertising signs permitted on Home Occupation.
- E. Height of Signs: There shall be a maximum height restriction of eighty (80) feet for off-premise signs along Expressway 77/83 Frontage and fifty (50) feet within all other areas within the city limits of San Benito where signs are permitted by zoning district. The measurement shall be from the ground at the base of the sign supports or from the grade of the thoroughfare immediately adjacent to the highest point of the sign, whichever is of greater height. The minimum height restriction shall be as follows:

Face Area of Sign	Minimum Height of Sign
Less than 30 square feet	No Minimum
30 square feet - 73 square feet	10 feet
73 square feet - 100 square feet	15 feet
100 square feet - 300 square feet	25 feet
301 square feet - 672 square feet	30 feet

- F. Lighting: Signs may be illuminated, subject to the following restrictions.
- 1. No revolving or rotating beam or beacon of light that simulates any emergency light device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.
 - 2. External lighting, such as floodlight, thin line, or gooseneck reflectors, are permitted, provided the light source is directed toward the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the traveled way.
 - 3. The illumination of any sign within two hundred (200) feet of a residential zone lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.
- G. Prohibited Off-Premises Signs: It shall be unlawful for any person or corporation to knowingly or intentionally place or maintain an off-premise sign:

1. That is obsolete or does not meet construction standards, such as out-of-date political billboards, signs advertising defunct businesses and signs which were erected without a building permit.
2. Which is not clean and in good repair.
3. Which is illegal under state law or regulations.
4. That is not securely fixed on a substantial structure.
5. That attempts or appears to regulate, warn, or direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal or device.
6. That is erected or maintained upon trees or utility poles, or that is painted or drawn upon rocks or other natural features.
7. That is damaged or destroyed to an extent of more than 60% of fair market value as determined by the Building Inspector.
8. That prevents free ingress or egress from any doors, window, or fire escape or that is attached to a standpipe or fire escape.

SECTION 4. Construction Standards and Permits.

- A. All signs shall be constructed in accordance with the Building Code of the City of San Benito. All non-exempted permanent off-premise signs, however, shall have a metal frame, metal legs, and be set a minimum of three (3) feet in the ground.
- B. A person shall not erect a sign without first having obtained a permit from the City. To obtain a permit, an applicant must submit a site plan of the proposed sign which shall include the construction specifications, dimensions and location of the sign as well as the distances between the proposed sign and the closest sign(s) on the same side of the roadway. A permit issued under this section is valid for six (6) months.

SECTION 5. Nonconforming Signs.

Any sign legally erected prior to the effective date of this ordinance, not complying with the provisions of this ordinance, may continue in existence, except as provided in Paragraph 7.

SECTION 6. Signs in Public Places.

- A. No person shall paint, mark or write on, or post or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, street median, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telecommunications wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, street sign or traffic sign or signal constituting public property.
- B. Any handbill or sign found painted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the Police Department or the Department of Public Works. The person responsible for any such illegal painting shall be liable for the cost incurred in the removal thereof. The Department of Public Works is authorized to effect the collection of such cost.
- C. Nothing in this section shall apply to the installation of a plaque or plate or individual letters or

figures in a sidewalk commemorating a historical, cultural, or artistic event, location or personality for which the Zoning Board of Adjustment has granted approval.

SECTION 7. Painted Signs.

Signs painted on the side of buildings will not require a building permit, but will be counted toward overall square footage of signs allowable (off-premise painted signs will require a permit).

SECTION 8. Temporary Signs.

Temporary signs shall be prohibited except for short periods of time not to exceed fourteen (14) consecutive days, and not more than four times per calendar year. (Nonprofit, civic, religious or charitable organizations will be exempt from this provision.)

Real Estate Signs are a special category of temporary sign and will be exempt from permitting if less than 32 square feet. These temporary signs may be in place until such time the real property is no longer offered for sale or lease.

Construction Signs are a special category of temporary signs used to promote the contractor, bank or other business/service involved or responsible for construction taking place on the premise and are allowable until such time as construction is complete and the building is occupied by tenant or user. Such businesses/ services include, but are not limited to, landscaping, financing, and subcontractors of all types.

Political Signs are a special category of temporary signs whose regulations are specified under a separate section above.

SECTION 9. Secured Portable Signs.

These signs (usually lighted arrow signs or black signs with neon letters) will not be treated as temporary signs and will be allowable as permanent signs only if they are secured into the ground with 3' rebar stakes. Any signs intended to be permanent, but not securely fixed upon passage of this ordinance will have thirty days to be secured in this manner. If electrical connections are allowed on these signs, the customer must have the proper electrical receptacles in place to allow safe lighting of the sign and avoid loose or accessible connections, extension cords, etc. If proper electrical receptacles are not available upon sign delivery, the electrical connectors within the sign must be disabled by the sign company to ensure safe use by customer.

SECTION 10. Exemptions.

1. A sign erected, maintained, and of which is allowed under the highway beautification provisions contained in Article IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes);
2. A sign in existence prior to the effective date of this ordinance.
3. A directional or other official sign authorized by law, including a sign pertaining to natural wonders or scenic or historic attractions.
4. A sign or marker giving information about the location of underground electrical transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or water lines.

SECTION 11. Variances and General Penalty.

1. To provide reasonable flexibility in these regulations, the Zoning Board of Adjustments may

approve an application for a sign which does not conform with the provisions of this Section, if the location, size and other characteristics of the sign would not be inconsistent with the character of the area in which it is to be located.

2. Any person violating any of the provisions of this ordinance shall, upon a conviction, be fined any sum not exceeding the amount allowed for a Class C misdemeanor; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to said penalty provided for, the City shall have the right to bring suit in such court or courts having jurisdiction hereof and obtain such remedies as may be available at law.

CHAPTER 11: TOWER REGULATIONS

SECTION 1. Allowable Districts.

Communication towers are allowed in the following districts.

- A. A-O Agriculture and Open Space
- B. MH Mobile Home with a conditional use permit
- C. OP Office Professional with a conditional use permit
- D. NS Neighborhood Services with a conditional use permit
- E. C-2 Commercial General Highway Business
- F. LI Light Industry
- G. HI Heavy Industry.

CHAPTER 12: DOWNTOWN OVERLAY (DT-O) DISTRICT REGULATIONS

SECTION 1. Purpose.

- A. The DT-O District is established to create a vibrant, walkable, and compact downtown environment that emphasizes the pedestrian experience, supports mixed-use development, and preserves the unique historic character and cultural heritage of the area.

SECTION 2. Land Uses.

- A. Overlay. Except as expressly provided by this ordinance, the underlying zoning classification shall remain in full force and effect and shall govern the classification of all land uses as either prohibited, permitted by right, or allowed solely pursuant to the issuance of a conditional use permit.
- B. Prohibited Uses. As the purpose of the DT-O District is to promote a more pedestrian friendly downtown, car-oriented land uses are generally discouraged. The following land uses are expressly prohibited from the District:
 - a. Personal RV Storage
 - b. Automobile Dent Repair (Paintless)
 - c. Automobile Parts (New)
 - d. Automobile Sales and Repair
 - e. Car Wash
 - f. Mobile Home Sales & Repair
 - g. Tire Shop
 - h. Truck Stop
- C. Permitted Uses.
 - a. Commercial Amusement, Indoor
 - b. Playground
- D. Conditional Uses.
 - a. Convenience Store with Drive Thru
 - b. Gas Station
 - i. Gas stations in the District must abide by the conditions enumerated in 12.09(A)

SECTION 3. Dimensional Regulations.

- A. Nonresidential Minimum Setbacks. With the exception of the minimum rear yard setback, which shall remain at five (5) feet, parcels with a nonresidential base zoning situated within the DT-O District shall be deemed exempt from all minimum yard setback requirements delineated in Section 5.06 (Building Yard Setbacks) inclusive of this ordinance. Structures incorporating a mix of both nonresidential and residential uses are considered nonresidential for purposes of this section.
- B. Residential Minimum Setbacks. Parcels possessing a residential base zoning within the DT-O District shall adhere to the standards set forth in Section 5.06 (Building Yard Setbacks) aforementioned, notwithstanding the following specific exceptions for multifamily dwellings, duplexes, townhomes, and condominiums:
 - a. Townhomes may be exempted from front yard setbacks only in the event that the following conditions are satisfied with respect to each residential unit:
 - i. The primary ingress/egress door of the unit shall directly orient toward the street.
 - ii. The aforementioned primary ingress/egress door shall be situated no greater than six feet (6') from the front property line, or, in the instance that a front patio is incorporated, the maximum permissible distance between the street and the primary ingress/egress door shall be twelve feet (12').
 - b. Multifamily dwellings, duplexes, and condominiums may be exempted from front yard setbacks, provided the height requirements stipulated in the following subsection (C) are fully met and complied with.
 - c. All multifamily dwellings, duplexes, townhomes, and condominiums shall be eligible for exemption from rear and sideyard setbacks upon the issuance of a valid Conditional Use Permit.
- C. Maximum Height. The maximum vertical dimension of all structures situated within the District shall be governed by the provisions set forth in Section 8 (Height Regulations); provided, however, that any parcel of property abutting a property lying outside the District and possessing a residential zoning classification shall be subject to a maximum height limit equal to the horizontal distance from the shared property boundary.
- D. Maximum Setback. The exterior building wall of any structure situated on a lot within the DT-O District shall be sited such that no point lies more than ten (10) feet from the front property line and any side property line abutting a public street. This ten-foot (10') maximum setback shall not apply where an outdoor dining area or public plaza is formally provided along the subject property line; in such instances, the maximum setback for the exterior building wall shall be eighteen (18) feet. For the purposes of this Section, public alleys shall not be construed as public streets.

SECTION 4. Urban Design Regulations.

- A. Mixed Use. For structures incorporating both nonresidential and residential uses,
 - a. Nonresidential uses shall be primarily situated on the ground floor (street level) of the structure.
 - b. The principal entrance for all nonresidential uses shall be located on the front facade of the building at the street level.

- c. The inclusion of second-story residential uses is encouraged; however, this provision shall not constitute a mandatory requirement.
 - d. Residential uses that share a common demising wall with commercial uses are permitted.
- B. Sidewalks. Sidewalks within the Downtown Overlay (DT-O) District shall adhere to the provisions set forth in Section 10.02.011(5) (Sidewalks), subject to the following exceptions and additional requirements:
- a. Public sidewalks shall be constructed along all street frontages within the DT-O District. Such sidewalks shall maintain a minimum width of eight feet (8') and must be situated immediately adjacent to the front property line. This placement requirement may be adjusted only in the following limited circumstances:
 - i. Streetscaping Incentive Compliance: Where a streetscaping feature is incorporated to satisfy the criteria for a specific incentive, as delineated in Subsection C of this ordinance (Streetscaping Incentives).
 - ii. Public Safety Hazard: Where the City Engineer determines that strict adherence to the front property line placement would constitute a demonstrable public safety hazard.
 - iii. Preservation of Existing Vegetation: Where a modification to the required alignment is necessary to preserve or protect existing mature trees or significant vegetation, as permitted and conditioned by Section 10.02.011(5)(A).
 - iv. Compliance with Mandatory Landscape Standards: Where a modification to the required property line placement is necessary to create sufficient street yard area to comply with the mandatory minimum landscaping requirements of the City's Code of Ordinances, including the provision of required percentage of street yard landscaping, transitional buffer yards, or tree protection zones.
 - b. The requirement set forth in paragraph (a) shall not apply to development that constitutes a minor or non-substantive change to an existing structure, specifically where the resulting addition to the square footage of the building is less than or equal to twenty-five percent (25%) of the pre-existing building area.

C. Streetscaping Incentives

- a. Except for landscaping requirements as outlined in **Section 5**, streetscaping is not required for commercial/industrial parcels in the District. However, properties that voluntarily implement at least three (3) of the following five (5) streetscape enhancement options shall qualify for the subsequent development incentives, which may be combined with other applicable incentives outlined in this ordinance:
 - i. An increase of ten (10) square feet of additional area permitted for car-oriented signage, pursuant to Section 12.07.
 - ii. An increase of ten (10) square feet of additional area permitted for pedestrian-oriented signage, pursuant to **Section 12.07**, and
 - iii. A reduction in the minimum required residential parking of 0.25 space per unit, pursuant to 12.06.
- b. The qualifying options are:

- i. Option 1: Enhanced Landscape Strip. The installation of a continuous landscape strip in the street yard area that is equal to or greater than forty percent (40%) of the total street yard area. This is in place of the minimum twenty percent (20%) landscape strip area required by **Section 5**. All vegetation species must be approved by the Director of Planning.
- ii. Option 2: Shade Canopy. In the required landscape strip, shade/canopy trees from the approved list in the landscaping ordinance must be evenly spaced to provide sufficient shade to the entire public sidewalk in front of the building at maturity. The plan for species selection and spacing must be approved by the Director of Planning.
- iii. Option 3: Public Sitting Spaces. The provision of at least one (1) public sitting space for every fifty (50) feet of street frontage within the area located between the sidewalk and the street. These sitting spaces may be clustered and are not required to be evenly distributed. A public sitting space shall consist of:
 - 1. One (1) bench with a minimum length of five (5) feet; and
 - 2. Placement adjacent to either:
 - a. One (1) drought-tolerant tree that is projected to provide shade for the bench at maturity; OR
 - b. One (1) structurally sound shade structure, the design and placement of which must be approved by the Director of Planning to ensure public safety and appropriate aesthetic integration.
- iv. Option 4: Bicycle Racks. At least one (1) inverted-U style bicycle rack permanently affixed to the sidewalk or other paved surface, which must be situated between the principal building and the street and shall not impede pedestrian or vehicular traffic.
- v. Option 5: Public Art Installation (Conditional Use). The installation of Public Art in the form of a large sculpture or a mural on or near the street frontage. Such art shall be substantially representative of the heritage and culture of the City of San Benito and shall not constitute a commercial sign or advertisement for any establishment. This art may be placed in a public alley as described in subsection F(e)(1), 'Alley Art & Design'. Notwithstanding that public art is generally exempt from permitting requirements, receipt of this incentive is contingent upon securing formal approval of a Conditional Use Permit (CUP) by the applicable jurisdictional authority.

D. Front Entrances

- a. Every ground-floor business or separate commercial tenancy subject to this Article shall be required to maintain at least one (1) Primary Pedestrian-Oriented Entrance.
- b. A Primary Pedestrian-Oriented Entrance shall be defined by and satisfy all of the following criteria:
 - i. Frontage. The entrance must be visibly located on and directly front the public street right-of-way (the Primary Street Frontage).

- ii. Accessibility. The entrance must provide direct, unobstructed access from the public sidewalk or pedestrian pathway to the principal customer service or retail area of the business.
 - iii. Design and Orientation. The entrance shall be the main, front-facing entrance of the business and shall be clearly designed and articulated as the primary point of public access through the use of architectural features such as permanent awnings, canopies, or enhanced facade treatment.
- c. Exclusions. The following types of access points shall not qualify as the required Primary Pedestrian-Oriented Entrance for the purposes of this Article:
- i. Emergency-Only Exits. Doors or portals designed and utilized exclusively for emergency egress as required by the prevailing building or fire code.
 - ii. Employee/Service Access. Doors or portals designated and used exclusively for employee access, service functions, or loading/unloading of goods and supplies.
 - iii. Rear or Side Yard Access. Any entrance that faces and provides primary access from a parking lot, alley, or side yard not designated as the Primary Street Frontage.
- d. Corner Lot Requirements. For any building occupying a corner lot or having multiple street frontages, the required Primary Pedestrian-Oriented Entrance shall satisfy one (1) of the following criteria:
- i. Designated Frontage Entrance. The applicant shall designate a Primary Street Frontage, and the required Primary Pedestrian-Oriented Entrance shall directly front this designated Primary Street Frontage. If one of the two street frontages is Robertson Street or Sam Houston Boulevard, that street must be designated as the Primary Street Frontage. The entrance must front that specific street. For any building located at the intersection of Robertson Street and Sam Houston Boulevard, the entrance required under this section shall mandatorily utilize the Corner Proximity Entrance (Option B).
 - ii. Corner Proximity Entrance. The required Primary Pedestrian-Oriented Entrance shall be located at or within five (5) feet of the exterior corner of the building where the two street right-of-ways meet. The location shall be measured from the corner of the building wall to the closest edge of the entrance door or opening. For any building located at the intersection of Robertson Street and Sam Houston Boulevard, it is the clear intent of the Town to establish an entrance that may service both street frontages.

For the purposes of this Article, a public alley or private access easement shall not be considered a "street" or "street right-of-way," and any entrance solely fronting an alley shall not satisfy the requirements of the Primary Pedestrian-Oriented Entrance.

E. Architectural Design.

- a. Articulation and Massing. all street-facing façades shall adhere to the following standards for articulation and massing:
 - i. Street-facing façades shall be designed to provide architectural articulation (such as changes in material, recesses, projections, columns, or changes in roofline) at intervals not exceeding fifty (50) feet of continuous street-frontage.

- ii. Any building with a continuous street-frontage exceeding two hundred (200) feet shall incorporate a major vertical massing break. This break shall involve a substantial change in plane or building height to visually segment the façade and reduce the appearance of monolithic mass.
- iii. Historic Preservation Exemption: Historic buildings may be exempted from the Articulation and Massing requirements of these this section upon determination by the Director of Planning.

F. Alleys

a. Purpose and Intent

- i. The intention of this alley ordinance is to re-envision public alleys within the DT-O District as an integral part of the public realm and the pedestrian experience. These standards are intended to:
 - 1. Enhance pedestrian walkability and safety.
 - 2. Encourage public art and cultural amenities.
 - 3. Establish uniform and attractive design standards.
 - 4. Ensure safe and necessary access for service vehicles, business operations, and utility maintenance.
 - 5. Balance new development with the public benefit of activated alleys.

b. Applicability of Alley Regulations

- i. For the purpose of this exclusion, an "alley segment" is defined as the continuous portion of a public alley located between two (2) intersecting public streets.
- ii. These alley regulations shall only apply to alley segments within the DT-O District that do not have any property fronting the segment within a Residential Zoning District classification.

c. Alley Walkability

- i. All publicly-owned or dedicated alleys shall remain open and accessible for pedestrian travel at all times, except for temporary, permitted closures for maintenance or special events.
- ii. Notwithstanding any utility poles or existing infrastructure, a minimum clear pedestrian path of four (4) feet shall be maintained free of permanent obstructions (e.g., dumpsters, permanent storage, excessive overhangs) within the alley right-of-way. The primary focus of this clear path should be on the areas least obstructed by utility poles.

d. Alley Lighting

- i. All properties undergoing new building construction or major renovation (defined as any alteration, addition, or repair to a building exceeding twenty-five percent (25%) of the square footage) of the building that abuts a downtown public alley shall be required to provide pedestrian-scale lighting along the length of their new or substantially renovated building wall or new fence line

facing the alley.

1. Spacing: Lighting fixtures shall be spaced a maximum of fifty (50) linear feet apart along the alley frontage. A minimum of one (1) light fixture is required per property fronting the alley, regardless of the property's size.
 2. Intensity: Lighting shall be designed to achieve a minimum of 2 foot-candles (average) on the alley surface along the property frontage.
 3. Design: Fixtures shall be downward-facing to minimize glare onto adjacent properties while being aesthetically complementary to the downtown's character.
 4. Power Lines: Lighting attached to structures or fences shall be located and installed in a manner that complies with all relevant building, fire, and power line easement safety clearances.
- ii. As an alternative to traditional wall-mounted pedestrian-scale lighting, festoon lighting (decorative string lights with visible bulbs) may be used to satisfy the lighting requirements of this section, subject to the following conditions:
1. Attachment and Security: Festoon lighting shall be installed using commercial-grade, outdoor-rated materials and must be properly secured and tensioned to prevent excessive sag, swaying, or the creation of a public safety hazard.
 2. Mounting Height: The lowest point of the hanging festoon lights (the bulb or the wire) must be a minimum of ten (10) feet above the finished alley grade.
 3. Directionality: The individual light sockets and bulbs shall be installed to point downward to maximize illumination on the alley surface.
 4. Utility Clearance: Installation shall adhere strictly to all required utility and power line clearances. The property owner is responsible for coordinating with the relevant utility company to ensure no infringement upon the overhead easement.
- iii. Existing buildings and properties not undergoing new construction or major renovation are exempt from this mandatory lighting requirement, but are strongly encouraged to install lighting voluntarily.
- e. Alley Art & Design
- i. The placement of public art, including murals, on any building wall or fence visible from the alley is hereby permitted by right, provided:
 1. The art is non-commercial in nature (no advertising copy or logos, excluding a small plaque crediting the artist/sponsor).
 2. All installations comply with applicable building codes, including structural safety for any 3D elements.
 3. All public art must strictly adhere to all required utility and power line clearances.

4. The public art cannot be obscene in nature.
 5. Such art shall be substantially representative of the heritage and culture of the City of San Benito and shall not constitute a commercial sign or advertisement for any establishment. Such art may be used to achieve the incentive described in Subsection C(b)(v) described above.
- ii. To enhance the pedestrian experience, features such as decorative moldings, non-structural architectural relief, and similar facade articulation are strongly encouraged on building walls facing the alley. These architectural features are also strongly encouraged to be consistent with the Spanish Colonial Revival style of architecture.”
- f. Alley Fencing
- i. Fencing is not mandated along alleys; however, should a property owner elect to install such fencing, the following regulations shall govern its construction and maintenance to ensure visual continuity and public safety. Notwithstanding this provision, should any other section of the City Code mandate the installation of fencing along an alley, that superseding ordinance shall take precedence.
 1. Material and Design: Fences shall be constructed of high-quality, durable, and aesthetically-pleasing materials such as decorative wrought iron, brick, painted wood (non-chain-link), or a combination thereof. Chain-link fencing is strictly prohibited.
 2. Height: Maximum fence height shall be eight (8) feet.
 3. Maintenance: Property owners are responsible for the ongoing maintenance and repair of their fences to ensure a neat, orderly, and structurally sound appearance.
- g. Existing Non-Conforming Buildings in Alley
- i. Existing buildings that are built within five (5) feet of an alley and do not meet the new lighting and facade requirements are considered legal non-conforming structures. However, any significant renovation or expansion (exceeding 50% of the assessed value) shall trigger the mandatory lighting and facade activation requirements of Section 4.D and 4.E.
- h. Utility Easements and Safety
- i. Easement Priority: These standards shall not supersede the rights and safety requirements of any existing utility easements. Utility companies shall retain the right to access and maintain their infrastructure.
 - ii. Design Compliance: All improvements, including lighting, art, and fencing, shall be designed and installed in a manner that does not interfere with the required clearance for overhead power lines or access to poles, transformers, or junction boxes, as dictated by the utility provider and relevant safety codes. Property owners must obtain approval from the relevant utility provider for any improvements within the easement area.

G. Building Frontage Coverage

- a. Any building fronting on a primary public street (the primary street to which the building is addressed or which constitutes the longest street-facing lot line) shall have the building facade occupy a minimum of seventy-five percent (75%) of the width of the lot line along that street, except for gas stations as described in subsection I(c) of this section.
 - b. For buildings located on corner lots, the building facade along the side street (the street other than the primary street frontage) shall occupy a minimum of fifty percent (50%) of the width of the lot line along that side street.
 - c. The following urban design features are encouraged throughout the DT-O District and therefore shall be considered exceptions to the minimum building frontage coverage requirements specified above, provided they are designed as high-quality, publicly accessible or visible spaces that enhance the pedestrian experience. These exempted areas shall be calculated as part of the total allowed uncovered frontage:
 - i. Courtyards or Plazas: Dedicated, publicly accessible open spaces or squares designed with paving, seating, landscaping, and lighting.
 - ii. Mini-Parks or Pocket Parks: Dedicated, landscaped green spaces designed for public relaxation and enjoyment.
 - iii. Outdoor Dining Areas: Permanent, defined areas for restaurant or cafe seating associated with an adjacent business.
 - iv. Pedestrian Passageways: Covered or uncovered walkways or breezeways that provide mid-block pedestrian circulation.
 - v. Approved Public Art Installations: Public art displays approved by conditional use permit as outlined in Subsection (C)(b)(v) of this Section.
 - vi. Other Features: Any other innovative urban design feature not explicitly listed above that contributes significantly to the pedestrian realm, street vitality, or public benefit. Such features may be approved at the discretion of the Director of Planning upon demonstration by the applicant that the proposed design is of high quality, meets the spirit and intent of the ordinance, and enhances the overall public experience of the DT-O District.
- H. Drive Thru's. Drive-thru facilities are permitted within the DT-O District, provided following requirements are met. It is the intention of this regulation to ensure the pedestrian-oriented character of the District is prioritized and maintained while balancing the demand for car-oriented business.
- a. Prohibited Lane Location. No vehicular drive lane, stacking space, or service element of a Drive-Through Facility shall be located between the principal building and any side or front street frontage, except for the necessary and designated entrance and exit driveways connecting the facility to the public street. All other portions of the drive lane and service elements shall be located to the side or rear of the principal building.
 - b. Maximum Number of Lanes. A maximum of one (1) single-lane drive-through facility shall be permitted per building. Multi-lane drive-through facilities, including but not limited to those utilizing two or more parallel lanes for ordering, stacking, or transaction, are expressly prohibited.
 - c. Screening Requirement. All drive lanes and associated service equipment, including but not limited to stacking areas, menu boards, and service windows, shall be effectively

screened from view of any public street or adjacent property by a permanent opaque screening fence or wall. Such screening fence or wall shall be not less than six (6) feet in height.

- d. Traffic Queue Management. The on-site vehicle stacking capacity for any Drive-Through Facility shall be sufficient to ensure that no vehicle queues, stacks, or waits within the public right-of-way, including public streets or sidewalks. The stacking lane shall accommodate all anticipated vehicles waiting for service.
- e. Clear View Triangle at Crossings.
 - i. Clear View Triangle Required. Where a drive-through lane or its entrance/exit crosses a public sidewalk or private pedestrian walkway, a "Clear View" Sight Triangle shall be maintained free of any visual obstruction between the height of thirty (30) inches and eight (8) feet above the pavement grade.
 - ii. Definition of Clear View Triangle. The Clear View Triangle is the triangular area of unobstructed vision formed by two intersecting lines (the edge of the drive-through lane and the edge of the sidewalk/walkway) and a third line connecting the two points established on those lines. This triangle shall be determined by measuring ten (10) feet along the edge of the drive-through lane and ten (10) feet along the edge of the sidewalk or walkway, with both measurements starting from the point where the two edges intersect.
 - iii. Obstructions Prohibited. Within this Clear View Triangle, no structure, fence, wall, hedge, shrubbery, natural growth, sign, or other obstruction shall be erected, placed, planted, or maintained in such a manner as to impede vision between the required heights. This restriction shall not apply to:
 - 1. Official traffic control devices or signs.
 - 2. Utility poles.
 - 3. Trees trimmed (to the trunk) to a height of at least eight (8) feet above the pavement grade.
- f. Walk-Up Window. Any principal building that incorporates a Drive-Through Facility shall also be required to incorporate a Pedestrian Walk-Up Window as an accessory feature.
 - i. The Walk-Up Window shall be designed and operated to serve pedestrians from the public sidewalk or a private, exterior, street-facing pedestrian space.
 - ii. The Walk-Up Window shall be located on a street-facing side of the principal building that abuts a public right-of-way.
 - iii. The Walk-Up Window shall have a clear and direct pedestrian connection to the public sidewalk.
 - iv. The architectural design and materials of the Walk-Up Window shall be integrated with and subordinate to the principal building's main facade.
- I. Gas Stations. Gas Stations are permitted in the DT-O District, provided they meet all other requirements, design standards, and development criteria applicable to the DT-O District, except as explicitly modified in this subsection.

- a. Convenience Store. A Gas Station shall be required to include a Convenience Store or similar accommodation that is integrated with the principal Gas Station use. This convenience store must meet all applicable building, architectural, and design requirements for the DT-O District outlined in this section.
- b. Location. Gas Pumps, canopies, and associated fueling infrastructure shall not be located between the principal building and the street frontage. They must be located in the rear yard or a side yard of the lot. For lots located at the intersection of two streets (corner lots), the principal building must be located at or near the street corner. Gas Pumps and fueling infrastructure are not permitted to be located at or near the corner itself.
- c. Building Frontage Coverage. Gas Stations are exempt from the front minimum Building Frontage Coverage requirement (Subsection G(a) above). Instead, a minimum of fifty percent (50%) of the primary street frontage must be covered by the principal building.
- d. Vehicle Access & Circulation.
 - i. Primary Access: All primary vehicle ingress and egress for customer traffic must be from the street. Vehicle traffic shall not be permitted to primarily flow through alleys.
 - ii. Alley Access: Secondary vehicle traffic for service vehicles (e.g., fuel delivery, waste removal) is permitted to access the property via an alley.
 - iii. Signage: Clearly visible and legible signs, meeting the DT-O District sign standards, must be permanently placed at all alley entrances/exits to the Gas Station property, specifically prohibiting regular customer vehicle traffic from using the alley for circulation.
 - iv. Curb Cuts: Gas Stations in the DT-O District shall be limited to a maximum of two (2) curb cuts along all frontages. Each permitted curb cut must be wide enough to safely accommodate a semi-truck for the purpose of refilling underground storage tanks.
- e. Outdoor Plazas. The inclusion of a dedicated outdoor plaza is strongly encouraged (but not required) as part of the gas station development to future-proof the site and enhance the vitality of the downtown area.
 - i. Design Standards: If provided, the plaza should be aesthetically pleasing and designed to create a sense of place within the downtown.
 - ii. Amenities: The plaza should accommodate sufficient outdoor seating and/or outdoor dining space.
 - iii. Lighting: Plazas should be adequately and attractively lighted in a manner that complies with all DT-O lighting standards and promotes safety and usability during evening hours.
 - iv. Corner Lot Recommendation: For corner lots, it is recommended that the outdoor plaza be strategically located at the street corner, adjacent to the principal building, to maximize visibility and integration with the pedestrian environment.

SECTION 5. Landscaping.

- A. Development within the DT-O (Downtown Overlay) District must adhere to all applicable landscaping requirements established for its underlying zoning, with one specific modification concerning the street yard: the typical street yard requirements shall be satisfied by providing a continuous landscaping strip situated between the public sidewalk and the adjacent street. This strip must be appropriately planted and maintained to contribute to the visual appeal and sense of place within the Downtown Area. While no minimum *width* is strictly mandated, the landscaping strip must be of a sufficient dimension to ensure the health and long-term viability of all plant materials contained within it, thereby sustaining its function as a green amenity.

SECTION 6. Parking.

A. Compliance with Other Parking Regulations

- a. Except as described below, all parking requirements from Section 7 of this chapter apply to properties in the DT-O District.
- b. All parking in the DT-O District, regardless of use, must comply with the requirements set forth in Sections 7.08 (Handicap Compliance), 7.07(A) (Off-street loading spaces), and 7.10 (Towing) of this Chapter.

B. Noncommercial Parking.

- a. There shall be no parking minimum for noncommercial land uses within the DT-O District. Buildings which have both residential and commercial components shall calculate parking for each land use.
- b. A parking maximum shall be enforced for all noncommercial uses. The total number of parking spaces provided shall not exceed 125% of the parking that would typically be required for the use under Section 7 of this Chapter.

C. Residential Parking.

- a. All residential land uses in the DT-O District shall adhere to the following minimum parking requirements:

<u>Unit Size</u>	<u>Required Parking Spaces per Unit</u>
<u>0-2 bedrooms</u>	<u>One (1) space</u>
<u>3 or more bedrooms</u>	<u>Two (2) spaces</u>

- b. The residential parking minimums established may be reduced per the incentives noted in Section 12.04(C) of this chapter.
- c. Hotel parking minimums remain governed by Section 7.06(B) of this chapter.

D. Parking Location.

- a. All required or provided parking, whether surface or structured, must be located behind the building on all street fronts, including side-yards with street frontage.
- b. Parking spaces shall not directly back into an alley or street right-of-way.
- c. Surface parking shall be set back from the street. The setback must be the greater of the following:

- i. Behind the front building line.
 - ii. Twelve (12) feet from the street Right-of-Way.
- d. Parking structures must conform to the maximum setbacks noted in Subsection 12.03 of this Chapter, if provided.

E. Screening.

- a. Surface Parking Screening. All surface parking areas must be well screened from adjacent streets and properties. This shall include effective use of landscaping, walls, or a combination thereof, as further detailed below in the Acceptable Screening Options enumerated in subsection (c).
- b. Parking Structure Street/Alley Frontage Screening. Parking structures with street frontage and/or alley frontage must screen the structure on the ground floor utilizing one of the following methods. The ground-level screening must be an of an acceptable option (see subsection (c) below) and must be meet specific transparency requirements:
 - i. Transparency Requirement: The initial four (4) feet of vertical height, measured from the finished floor or grade, shall be constructed of opaque materials (i.e., non-transparent). Any remaining vertical portion of the ground floor screening situated above the initial four (4) feet shall maintain a minimum of fifty percent (50%) transparency.
- c. Acceptable Screening Options
 - i. A wall covered with live vegetation.
 - ii. Colorful and textured walls/panels.
 - iii. An art wall (such as a colorful light display or mural).
 - iv. A courtyard with outdoor seating and landscaping (See 12.03(D)).
 - v. An alternative screening option proposed by the applicant, subject to review and approval by the Planning Commission.

F. Loading Spaces.

Off-street loading spaces are not required in the DT-O District. However, if a loading space is provided (though not required), it must

- a. Be accessed exclusively from the rear of the building.
- b. Meet the dimensional requirements of Section 7.07(A) of this Chapter.

G. Daycares.

Daycares must still comply with Section 7.07(B) of this Chapter regarding required loading spaces (e.g., drop-off/pick-up areas). However:

- a. Required loading spaces cannot be located between the street and the building.
- b. A separate drive aisle for such drop-off spaces shall be provided and must follow the drive-thru design requirements set forth in Section 12.04(H).
- c. Special attention must be given to both pedestrian and vehicle traffic circulation and to pedestrian safety.

SECTION 07. Signs.

A. General.

- a. The sign regulations found in Section 10 of this Chapter shall constitute the default sign ordinance for the Town, except as specifically modified or supplemented by the provisions detailed herein for the Downtown Overlay (DT-O) District.
- b. All signs permitted within the DT-O District, regardless of type, location, or size, shall not interfere with pedestrian traffic or pedestrian safety. Signs must be designed, located, and maintained so as to not obstruct the required clearance on any sidewalk or walkway, nor shall they obstruct the free and clear flow of traffic of pedestrians.

B. On-Premise Signs.

- a. General Allowance. On-Premise Signs are generally permitted in the DT-O District, subject to the regulations detailed in this section
- b. Sign Area Allocation. Each business located in the DT-O District shall be allocated the following maximum cumulative sign areas:
 - i. Car-Oriented Sign Space: Fifty (50) square feet cumulative maximum area.
 - ii. Pedestrian-Oriented Sign Space: Twelve (12) square feet cumulative maximum area.
 - iii. Businesses are reminded of the sign area incentives provided in Section 12.04(C) of this Chapter, which may allow for an expansion of this maximum allowed signage area.
- c. Prohibited Signs. The following types of on-premise signs are prohibited within the DT-O District:
 - i. Pole Signs.
 - ii. Permanent Temporary Signs.
- d. Window Signs. Window signs are permitted but shall not cumulatively cover more than twenty-five percent (25%) of the total window area of the storefront.
- e. Sign Height Limitation.
 - i. Attached Signs: The maximum height for any sign attached to a building (such as a wall sign or projecting sign) shall not exceed the height of the building to which it is attached.
 - ii. Detached Signs: The maximum height for any detached sign (such as a monument sign) shall not exceed eight (8) feet.

C. Off-Premise Signs.

- a. Car-Oriented Off-Premise Signs. Car-Oriented Off-Premise Signs are prohibited in the DT-O District.
- b. Pedestrian-Oriented Off-Premise Signs may be permitted only upon the granting of a Conditional Use Permit (CUP).

- c. Any approved off-premise sign area shall count towards the maximum sign area allocation given to the advertised business in Section 12.07(B) of this Chapter (On-Premise Signs).
- d. Pedestrian-Oriented Off-Premise Signs that meet any of the conditions outlined in Section 10.03(G) (Prohibited Off-Premise Signs) of the default sign ordinance are prohibited.

D. Sign Lighting.

Both On-Premise and Off-Premise signs within the DT-O District must adhere to the specific lighting requirements detailed in Section 10.03(F) of this Chapter.

E. Public Art.

- a. Public Art is permitted by-right in the DT-O District.
- b. Public Art, including murals, shall not count towards the maximum signage area allocation for the premises.
- c. As defined in Section 2.01 of this chapter, a Mural is a non-commercial work of art. A Painted Sign is a sign with a commercial message or branding, and is referenced in Section 10.07 of this Chapter. The difference hinges entirely on the commercial nature of the content: a mural is art only; a painted sign is art used for advertising or identification of a business, service, or product.

CHAPTER 13: SPECIAL USE AND REGULATIONS AND RESTRICTIONS

SECTION 1. Home Occupations.

- A. The purpose of this section is to permit the conduct of home occupations located within residential districts which are compatible with the neighborhoods in which they are located and must meet the following: A home occupation is an occupation customarily carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of an on-premise sign to advertise the occupation, without offering any goods for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property, such as odor, increased traffic congestion, light or smoke.
1. Only the member of the immediate family occupying the dwelling shall be engaged in the home occupation and there shall be no employment of additional persons;
 2. The home occupation shall be conducted only within the enclosed area of the dwelling unit and without offering any goods for sale on the premises;
 3. There shall be no sign on the premises and the home must maintain the residential structure appearance.
 4. No use shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use within the district;
 5. The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
 6. No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood.

SECTION 2. Construction Offices.

Buildings such as portable buildings, recreational vehicles or mobile homes to be used as field offices for construction purposes only may be permitted upon the issuance of a building permit and a building inspection. A time period of one (1) year shall be allowed or upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Building Inspector.

SECTION 3. Gasoline Stations.

A. Gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. Public or private school classes are prohibited within 500 feet of any gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities. This measurement shall be taken in a straight line measurement from the nearest property line of a property developed with a gasoline station to the nearest property line of any building in which public or private school classes are conducted.

The prohibition shall not apply to the installation of such facilities within 500 feet of buildings used exclusively and solely as offices for appointive or elective school officials in which no classes are conducted. No propane or butane gas tanks will be allowed to be installed if there is a natural gas line connection within 500'.

If propane or butane gas tank is removed, for whatever reason, a tank cannot be installed at same location if a natural gas line connection exists within 500 feet.

SECTION 4. Bar/Lounges.

A. A Conditional Use Permit cannot be obtained for location or operation of bars, lounges and bar and grills in the C-1 Zoning Districts. This type of business can only be located in C-2 Zoning Districts. The above-mentioned business must comply with the following:

1. be subject to the same restrictions as set forth in the zoning districts for these types of uses;
2. be subject to all applicable building, electrical, mechanical, plumbing, fire, and other similar codes of the municipality;
3. maintain valid state licenses and permits required for selling and serving alcoholic beverages;
4. provide parking in accordance with the City off-street parking regulations as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking;
5. restrict the number of persons within the building to those allowed by the P&Z Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Inspector and Planning Director. (This restricted number cannot exceed the number provided for in existing City regulations)
6. the paved area is landscaped in compliance with the off-street parking and loading regulations and landscaping regulations;
7. not create a nuisance;
8. prevent and discourage criminal activity from occurring on the business premises, particularly: crimes against the person, such as assault, sexual assault, aggravated assault, and murder; crimes against property; destruction of property; public intoxication; sale or consumption of illicit and/or illegal drugs or controlled substances; and crimes of moral turpitude such as gambling, prostitution, exhibitionism, public lewdness, and pornography;
9. be subject to annual renewal and subject to additional applicable conditions upon renewal;
10. if the business is to be located within three hundred (300) feet from a residential zoned district, residence, church, school or publicly occupied property, it shall additionally be required to:
 - a) provide a fence of wood, cement, concrete, or other durable opaque material sufficient to provide visual buffering of the building and business activity; and
 - b) provide insulation of the building such that noise or sound from the business

activity cannot be heard from the residential area or residence, or from the church, school, or publicly owned property during normal business hours; and

- c) be designed to prevent disruption of the character of adjacent residential areas.
- 11. shall not be located within a three hundred (300) foot radius from another bar or lounge, as measured from property line to property line;
- 12. all business activity shall be conducted within the confines of a building structure;
- 13. any permitted sign on the premise shall not exceed the height of the average roof line of adjacent buildings in the neighborhood, in addition to the requirement of any other ordinance regulating signs;
- 14. separate bathroom facilities shall be provided for female and male patrons and employees, and each bathroom facility shall comply with all building and plumbing codes of the city and shall have dimensions of not less than thirty (30) square feet and with no length or width of less than four (4) feet, and be constructed in a manner that ensures personal privacy.
- 15. bathroom facilities shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area, not including kitchen or food preparation areas.

SECTION 5. Sexual Oriented Businesses.

(See Ordinance No. 2384 [Article 4.09 of the Code of Ordinances])

SECTION 6. Mobile Vendors and Mobile Food Vendors.

(See Ordinance No. 2385-A [Article 4.03 of the Code of Ordinances])

SECTION 7. Garage Sales.

(See Ordinance No. 2037-B [Article 4.04 of the Code of Ordinances])

SECTION 8. Planned Development District.

A. Purpose

- 1. Provide flexibility in planning for development of medium and large scale developments incorporating a single type of a variety of residential and related uses, which are planned and developed as a unit. Such developments may consist of individual lots or may have common building sites;
- 2. Establish a procedure for the development of parcels of land under unified control in order to reduce or eliminate the inflexibility that would otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- 3. Ensure orderly and thorough planning and review of procedures that result in quality urban design and the creation and improvements of common open space and pedestrian circulation in residential areas; Encourage mixed use and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities; and

4. Provide for flexibility in the strict application of certain of the land use regulations, development regulations, and standards found in the base zoning.
 5. A PDD may be located in a district upon the granting of a permit in accordance with the provisions of this Section and after a rezoning request has been granted.
 6. A PDD may include any uses permitted such as "permitted uses" or "conditional uses" as specified in any zoning use district in this ordinance.
 7. The minimum site area for a PDD shall be five (5) acres.
- B. Permitted Uses: The City Commission of the City of San Benito, Texas after a public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of Planned Development Districts of a designated size of five acres or more, permitting but not limited to, the following uses:
1. Shopping centers
 2. Residential development, including mobile homes with restricted neighborhood and related commercial, within one overall Planned Development District subject to review and approval by the Planning and Zoning Commission and City Commission.
 3. Medical center and hospital
 4. Civic center and community center
 5. Office center
 6. Recreation center
 7. Industrial center
 8. A combination of any of the developments listed in (1) through (7)
- C. Permit Procedure: The following shall be regulated by the procedure for applying for a PDD permit:
1. Staff investigation and technical report,
 2. Action of the Director of Planning,
 3. Public hearing,
 4. Action by the Planning and Zoning Commission,
 5. Appeal to or review by the City Commission,
 6. Issuance or denial of a permit.

These shall regulate new applications and permits to run with the land, subject to the following prerequisites:

- a) The application shall be accompanied by the development plan of the entire PDD drawn at a scale of 1" = 100' and showing: provisions for drainage of surface waters, watercourses, railroads and public utility right-of-way, streets, driveways, pedestrian walks, off-street parking and off-street loading facilities, reservations for public uses, including parks, playgrounds, and other open

spaces, private uses, including dwelling types, lot layout locations, land coverage and heights of structures, and landscaped area.

- D. In addition to the data and drawings prescribed, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.
- E. The Planning and Zoning Commission may recommend approval of a permit for a Planned Development District if, on the basis of the application and the evidence submitted, the Planning and Zoning Commission makes the following findings:
 - 1. That the proposed location of the PDD is in accordance with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located;
 - 2. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, and off-street parking and off-street development will not generate more traffic than the street in the vicinity can carry without congestion and will not overload utilities; and
 - 3. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- F. If the City Commission reverses a decision of the Planning and Zoning Commission or modifies a decision of the Planning and Zoning Commission granting a permit for a PDD, the findings and conditions shall be set forth as in paragraph E above.
- G. Preliminary Development Plan
 - 1. Before a Preliminary Development Plan is approved, the applicant shall produce sufficient proof of ownership or control of all said land and structures.
 - 2. Before or upon application for a PDD designation, the applicant shall have presented to the Planning and Zoning Commission and the Director of Planning and/or Consultant for their review, a Preliminary Development Plan of that portion of the area on which improvements are to be constructed in conformity with the Standards contained herein.
 - 3. The plan shall be accompanied by:(1) an application on a form prescribed for this purpose by the City and (2) payment of a fee as authorized by the City Commission. Upon the proper approval, registration and recording of the Development Plan, the applicant(s) for said Plan shall be entitled to apply for such permits and certificates.
 - 4. The Preliminary and the approved Final Development Plans shall be certified by the applicants and shall show the following existing and proposed items drawn to scale:
 - a) The title page of each application and set of plans shall be signed by the applicant's architect, landscape architect, engineer and/or land surveyor.
 - b) The boundaries of the area covered by the Plan, all public and private rights-of-way and easements bounding and/or intersecting the district(s) which are proposed to be continued, created, relocated and/or abandoned.
 - c) The proposed finished grade of the area, shown to contour intervals required in the City's Subdivision Regulations.
 - d) A description of the proposed lot or lots and the boundaries thereof.

- e) The location of each existing and each proposed structure in the development, the use or uses to be contained therein, the number of stories, the gross floor area, and the location of entrances and loading points thereof.
 - f) All curb cuts, driving lanes, parking area, loading areas, public transportation areas, and illumination facilities for the same.
 - g) All pedestrians' walks, malls, and open areas for use by tenants or visitors.
 - h) The location and height of each wall, fence and screen planting.
 - i) The types of surfacing, such as paving, turfing, or gravel to be used at the various locations.
 - j) The location, types, and size of proposed drainage facilities, and
 - k) The location of fire hydrants.
- H. Each Development Plan shall be submitted to the Director of Planning and shall be reviewed in accordance with the following schedule:
- 1) The applicant shall file with the Director of Planning not less than ten (10) copies of the Development Plans as required.
 - 2) After a review by the Director of Planning and the Technical Review Committee, a recommendation shall be made to the Planning and Zoning Commission stating whether the said Preliminary Plan shall be approved, disapproved, or approved subject to compliance with modifications or conditions.
- I. The Preliminary Development Plan shall be divided into phases of proposed development so that in the event of failure to commence timely bona fide construction in any section of an approval Final Development Plan, there shall be:
- 1) Definitely established lines showing the resulting boundaries of the reduced PDD after the rezoning of the unused portion of the site area to its previous classifications, and
 - 2) A minimum of damage to the unused portion of the site from the standpoint of its usability for use following rezoning.
- J. Preliminary and Final Development Plan combined. After approval of the Preliminary Plan, the applicant may combine the Preliminary and Final Development Plans so as to make them one and the same. The applicant shall indicate on said plan all data required of the Preliminary and Final Development Plan procedures.
- K. Recording
- 1. After completing its review of a Development Plan, the Planning and Zoning Commission shall submit such plans and all pertinent data, together with the written list of recommendations to the City Commission for their review and action. Any approved Development Plan shall be delivered to the Director of Planning where it shall be properly registered and recorded.
 - 2. Upon approval of the Preliminary Development Plan, the applicant shall record one copy of the approved Plan with the Director of Planning and Building Inspector. Before recording said Plan, said Plan shall be reviewed for compliance with any modifications or conditions of the approving agent, dated, and approved for recording by the Director

of Planning and/ or Consultant and the Building Inspector.

3. The Director of Planning shall enter the date of receipt on each copy of the plan and shall within twenty-one (21) days thereof review the plan for compliance with the Preliminary Development Plan and paragraph G-4-b above. If such plan is found to be complete, it shall be transmitted with the comments and recommendations to the Planning and Zoning Commission and City Commission for further review, comment and action.
4. No final Development Plan herein shall be approved unless it is in full compliance with the approved Preliminary Development Plan. The action of the Planning and Zoning Commission and City Commission shall be completed and due notice thereof, including a written statement of the reasons for disapproval, or required modifications thereto, given to the applicant within ten (10) working days of each such decision by the Planning and Zoning Commission and City Commission.

L. Development Standards

1. Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwaters and prevent erosion and formation of dust;
2. Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, and facilities for waste disposal and illumination;
3. Adequate and proper locations of pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities;
4. Arrangement of building and vehicular circulation open spaces so that pedestrians moving between buildings are not exposed to vehicle traffic;
5. Proper arrangement of signs and lighting devices with respect to traffic-control devices and adjacent residential districts;
6. Fences, walls, or year-round screen planting where necessary to shield adjacent residential districts from parking illumination, headlights, fumes, heat, blowing papers and dust, and to increase the visual privacy and residential neighborhood character.

M. Effects of Recording: All final Development Plans registered and recorded herein shall be binding upon the applicant therefor, their successors and assignees, shall limit and control the issuance and validity of all permits, and shall restrict and limit the construction, locations, use and operation of all land and structures included within such plans to all conditions and limitations set forth in such plans.

N. Amendment: All applicants for Development Plans which are disapproved may file an amendment to such plan or an amended Plan, provided such amendment or amended Plan shall be limited exclusively to changes made necessary to accomplish compliance and in response to reasons for disapproval stated by reviewing agent. Such amendment or amended Plan shall be reviewed in accordance with the same time limit and procedures as provided herein for original submission.

O. Coordination with Subdivision Control Ordinance

1. Is the intent of this ordinance that subdivision review under the subdivision regulations and control ordinance be carried out simultaneously with the review of a planned development under this section of the Zoning ordinance.

2. The plans required under this section of this ordinance must be submitted in a form which shall satisfy the requirements of the subdivision control ordinance for the preliminary and final plans required under those regulations.
3. Both this section and the subdivision control ordinance contain regulations which apply to such matters in the design of a planned development as streets, utilities, and open spaces. In any planned development for which the provisions of the two ordinances are in conflict, the advice and written recommendations from the Director of Planning and Community Development shall determine which standard shall prevail.

CHAPTER 14: NONCONFORMING USES

Except as specified, any uses, building, or structure existing at the time of the enactment of this ordinance may be continued, even though such use, building or structure may not conform with the provisions of this Ordinance for the district in which it is located.

SECTION 1. Nonconforming Uses Continued or Changed.

It is the declared intent of this section that nonconforming uses shall be eventually eliminated and be required to comply with the regulations of this Zoning Ordinance, having due regard for the property rights of the persons affected, the public welfare and the character of the surrounding area.

SECTION 2. Nonconforming Uses and Structures.

A nonconforming status shall exist when:

- A. A use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located or was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.
- B. No nonconforming use or structure may be reconstructed, extended or enlarged beyond the lot or tract upon which such nonconforming use is located after the effective date of this ordinance without approval of the Board of Adjustments.
- C. Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extension shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
- D. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- E. It is the declared purpose of this ordinance that nonconforming uses be eventually discontinued and the use of the premises be required to conform to the regulations prescribed herein having due regard for the investment in such nonconforming uses. The Board of Adjustments and Appeals may grant an exception to this provision only if the owner can show there was a clear intent not to abandon the use even though the use was discontinued for 90 days or more.
- F. If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to comply with the provisions of this ordinance. In the case of partial destruction of a nonconforming use not exceeding fifty (50) percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Board of Adjustments, but the size and function of the nonconforming use shall not be expanded.

SECTION 3. Moving of Nonconforming Structure or Building.

No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any lot, unless every portion of such building or structure is made to conform to all regulations of the district.

SECTION 4. Penalty for Violation - Loss of Right to Continue Nonconforming Use.

The violation of any provisions of this ordinance or any ordinance of the City of San Benito with respect to a nonconforming use shall cause the immediate termination of the right to operate such nonconforming use.

SECTION 5. Cessation of Nonconforming Use of Building or Land.

A nonconforming use shall be deemed to have ceased when said use or when water, sewer, electricity or gas services have been discontinued for ninety (90) days.

CHAPTER 15: CONDITIONAL USE PERMIT

SECTION 1. Purpose.

The purpose of the regulations described by this Section is to allow the compatible and orderly development within the City of uses which may be suitable only in certain locations in a zoning district if developed in a specific way or only for a limited period of time.

SECTION 2. Permit Required.

A permit is required for all Conditional Uses. This permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this Ordinance. The conditions may be recommended by the Planning and Zoning Commission to the City Commission for consideration and possible approval.

SECTION 3. Application Filing Procedures.

Application shall be made by the property owner or certified agent to the Director of Planning on a form prescribed for this purpose by the City. Application shall be accompanied by drawings as set forth in this section.

Granting a Conditional Use Permit does not exempt the applicant from complying with requirements of the Building Code or other ordinances.

SECTION 4. Site Plans Required.

- A. Purpose. The purpose of the site plan is to: 1) to insure compliance with the Zoning Ordinance; 2) to assist in the orderly and harmonious development of the City; 3) to protect and enhance the general welfare; and, 4) to help prevent the impairment or depreciation of land values and development.
- B. Contents. The Site Plan shall contain drawings to scale and indicate: (1) the location of all structures on the subject property and on adjoining property; 2) landscaping and/or fencing of yards and setback areas and uses of landscaping and/or walls or fences for screening purposes; 3) design of ingress and egress to minimize interference with traffic flow on abutting streets; 4) off-street parking and loading facilities; 5) height of all structures; 6) proposed uses; and, 7) the location and types of all signs including lighting and heights.

SECTION 5. Prerequisites for Approval by the Board.

- A. No "conditional use" shall be allowed without the strict compliance with the provisions of this section.
- B. The Planning and Zoning Commission after receipt of report and recommendations from the Planning and Development Department, may recommend to the City Commission a conditional use subject with appropriate conditions and safeguards, when, after public notice and a hearing, the Planning and Zoning Commission finds that:
 - 1) The proposed use meets all the minimum standards established in this ordinance for these types of uses;
 - 2) The proposed use is harmonious with the purpose and intent of this ordinance and the plan for the physical development of the district, as embodied in the Comprehensive City Plan or part thereof adopted by the City Commission;

- 3) The proposed use will not be detrimental to the health welfare, and safety of the surrounding neighborhoods, occupants or property;
 - 4) The use is consistent with the purpose of the zoning district;
 - 5) The value of the adjoining property will not be negatively impacted greater than that anticipated from other permitted uses in this district;
 - 6) The proposed use is in harmony with the surrounding land use;
 - 7) Public services and facilities are adequate to serve the proposed use;
- C. The Board of Adjustments may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this ordinance and to mitigate the adverse effects of the proposed use. These requirements may include, but are not limited to:
1. increased open space
 2. loading and parking requirements
 3. suitable landscaping
 4. additional improvements such as curbing and sidewalks
 5. garbage collection system; and
 6. noise reduction

CHAPTER 16: ZONING BOARD OF ADJUSTMENTS

SECTION 1. Organization.

- A. The City of San Benito Board of Adjustments and Appeals consists of five (5) regular board members and one (1) alternate board member which are appointed by the City Commissioners and Mayor. Three board members are appointed to serve a two (2) year term, and the remaining two (2) board members and the alternate member are appointed for a one (1) year term. In the event a board member vacates office during his or her term, the City Commissioner or Mayor who appointed the vacating board member shall appoint a replacement who shall serve the remaining term of the vacating board member. Each board member shall be both a resident and taxpayer of the City of San Benito. The board shall annually elect from its regular membership a chairman who shall preside at the meetings and vote as a regular member. The Board shall annually elect a vice-chairman who shall preside in the absence of the Chairman. A quorum consists of a minimum of four (4) regular or alternate members.

A regular Board member shall forfeit his or her office if such appointee fails to attend three (3) consecutive regular or scheduled meetings. Members are removable for cause by majority of the City Commission upon written charges and after public hearing.

- B. The Board of Adjustments shall adopt rules to govern its proceedings provided, however that such rules are not inconsistent with this ordinance or statutes of the State of Texas. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board.
1. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep record of its examinations and other official actions and the minutes and records shall be filed immediately in the board's office and are public records.
- C. The Board of Adjustments shall hear and decide an appeal from any person aggrieved or by an officer, department or board of the municipality affected by a decision or determination made by an administrative officer in the enforcement of this ordinance. Such appeal shall be taken by filing with the officer from whom the appeal is taken and with the Board of Adjustments, a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the Board. On receiving the notice, the official from whom the appeal is taken shall transmit to the Board of Adjustments all the papers constituting the record upon which the action appealed from was taken.
- D. The appeal stays all proceedings in furtherance of the action that is appealed unless the officer from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
- E. The Board shall set a reasonable time for the public appeal hearing, giving public notice thereof by advertisement in a local newspaper not less than ten (10) days prior to the date of said hearing, as well as notice to the parties in interest and all owners of property within two hundred (200) feet of said property and decide the same within a reasonable time. All interested parties may appear in person or by an attorney or agent.

SECTION 2. Authority of Special Exceptions.

The Board of Adjustments may in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

1. 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.
2. Permit such modifications to the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modifications.

SECTION 3. Board Action.

- A. The concurring vote of four (4) regular or alternate board members shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.
- B. Any person or persons aggrieved by any decision of the Board of Adjustments or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board.

SECTION 4. Variance Application Procedure.

- A. After determination a variance is required an application for a hearing with the Zoning Board of Adjustments will be completed by the applicant. A nonrefundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a renotification fee. Tax receipts will be required.
- B. A notice of public hearing stating the date, time, and location of the public meeting to be held. The public hearing notice will be sent to all property owners within two hundred (200') feet of the proposed site and to the local newspaper for advertisement at least ten (10) day prior the public hearing. The agenda will be posted 3 business days in advance.
- C. The City staff will visit the site to study adjacent land uses, and traffic characteristics to determine a recommendation for the Board. Locations maps will be provided to the Board.
- D. The applicant should attend the public hearing to answer any questions the Board might have. The applicant can bring any documentation that may support his or her request and may speak during the public hearing portion of the meeting. The Chairman will declare the public hearing closed once everyone has spoken and action will be taken on the item.

CHAPTER 17: PLANNING AND ZONING COMMISSION

SECTION 1. Organization.

The City of San Benito Planning and Zoning Commission consists of five (5) regular commission members and one (1) alternate commission member who is appointed by the City Commission and Mayor. Three (3) members for a two-year term, each, and two (2) members and the alternate for a one-year term each. Thereafter upon expiration of each member's term, appointment of a successor reappointment of existing member shall be for a period of two (2) years. Each member shall be both a resident and taxpayer of the City of San Benito. In the event a commission member vacates office during his or her term, the City Commissioner or Mayor who appointed the vacating commission member shall appoint a replacement who shall serve the remaining term of the vacating commission member. The commission shall annually elect from its regular membership a chairman who shall preside at the meetings and vote as a regular member. The commission shall annually elect a vice chairman who shall preside in the absence of the Chairman. A quorum consists of a majority of the commission members. A commission member shall forfeit his or her office if such appointee fails to attend three (3) consecutive regular or scheduled meetings. Commission members are removable for cause by majority of the City Commission upon written charges and after public hearing.

SECTION 2. Powers and Duties.

The powers and duties of the Planning and Zoning Commission shall be to:

- A. Hold hearings, conduct investigations, and make recommendations to the City Commission relative to changes and amendments to the Zoning Ordinances of the City of San Benito, Texas.
- B. Hold hearings, to conduct investigations and make recommendations to the City Commission relative to the approval of proposed plats or subdivision of land within the city limits of the City of San Benito, Texas and relative to approval of subdivisions within the one (1) mile ETJ, only where city water and sewer are serviced by the City of San Benito, Texas.
- C. Hold hearings and conduct investigations and make recommendations to the City Commission relative to future plans and developments of the City of San Benito, Texas. All hearings conducted by the Planning and Zoning Commission relative to proposed changes or amendments to the zoning ordinance of the City of San Benito, and proposed zoning of new additions to the City of San Benito, shall be open to the public and all owners of properties, or the persons rendering the property for city taxes, affected by such proposed zoning changes or amendments or new zoning, and owners of property, or the persons rendering such property for city taxes, located within two hundred (200) feet of any property affected by such proposed zoning changes or amendments or new zoning, shall be given written notice within not less than ten (10) days before any such hearing is held by depositing such notices properly addressed and postage paid, in the United States Mail, setting forth the time and place where such meeting shall be held. Upon the holding of such hearings by the Planning and Zoning Commission, all person entitled to notices as above stated, shall be given an opportunity to present evidence for or against the proposed new zoning and if necessary to permit all persons to be heard, and such hearings may be continued from day to day and from time to time as shall be necessary to give all persons desiring to do so, an opportunity to be heard.

SECTION 3. Action of Planning and Zoning Commission.

- A. A majority of the commission members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a

quorum present shall be necessary to pass any motion, recommendation of the Planning and Zoning Commission. The chairman does not vote except in the event of a tie.

- B. All recommendations to the City Commission relative to any matter within the powers and duties of the Planning and Zoning Commission as set forth in this section shall be submitted in writing, which written recommendation shall be included in the minutes of the meeting of the City Commission at which the recommendations are presented. Information on appeal process, refer to Chapter 3 Section 5 of this ordinance.

SECTION 4. Rezoning Application Process.

A. After determination a rezoning change is required; an application for a hearing with the Planning and Zoning Commission is completed by the applicant. A nonrefundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a renotification fee. Tax receipts will be required.

B. If a request is for noncontiguous tracts of land or requires two separate actions, it will require two separate applications and fees. In addition, if a tract of land requested to be rezoned is contiguous, but the request is for two or more different classifications of zoning, separate applications and fees will be due for each type of zoning requested.

C. A notice of public hearing stating the date, time, and location of the public meeting to be held. The public hearing notice will be sent to all property owners within 200' of the proposed site and to the local newspaper for advertisement at least ten (10) days prior the public hearing. The agenda will be posted 3 business days in advance.

D. The City staff will visit the site to study adjacent land uses, and traffic characteristics to determine a recommendation for the Planning and Zoning Commission. Locations maps will be provided to the Board.

E. The applicant should attend the public hearing to answer any questions the Planning and Zoning Commission might have. The applicant can bring any documentation that may support his or her request and may speak during the public hearing portion of the meeting. The Chairman will declare the public hearing closed once everyone has spoken and action will be taken on the item.

F. If the Planning and Zoning Commission passes a rezoning request, it will go on for two readings at the next City Commission meeting. The first reading is generally three weeks after approval by the Planning and Zoning Commission, and if the item is approved on the first reading, the second reading will be the next regular City Commission meeting. The entire process takes approximately 8 - 10 weeks from time of submittal to complete.

G. If the Planning and Zoning Commission denies a rezoning request, the decision may be appealed following procedures referenced in Section 3.05 of this ordinance.

SECTION 5. Conditional Use Permit Application Procedure.

A. After determination a conditional use permit is required, an application for a hearing with the Planning and Zoning Commission will be completed by the applicant. A nonrefundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a renotification fee. Tax receipts will be required.

B. A notice of public hearing stating the date, time and location of the public meeting to be held. The public hearing notice will be sent to all property owners within two hundred feet (200') of the proposed site and to the local newspaper for advertisement at least ten (10) days prior to the public hearing. The agenda will be posted 3 business days in advance.

CHAPTER 18: ENFORCEMENT

SECTION 1. Enforcement.

Any person violating any of the provisions of this ordinance shall, upon a conviction be fined a sum not exceeding \$2,000.00; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction hereof and obtain such remedies as may be available at law and in equity in the protection of the rights of such property owners.

Saving Clause: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

All rights or remedies of the City are expressly saved as to any and all violations of previous zoning ordinances and amendments.

To such violations, the City and Courts shall have all the powers that existed prior to the effective date of this ordinance. All existing violations of previous zoning regulations shall not become legal nonconforming uses under this ordinance in the same manner that violations of prior zoning ordinances, amendments, and regulations.

CHAPTER 19: REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE

SECTION 1. Repeal of Conflicting Ordinances; Effective Date.

All ordinances or part of ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed as they are in conflict with the provisions and as necessary to give this Ordinance full force and effect.

This ordinance shall take force and effect from and after its passage and publication as required by City Charter.

Any and all related ordinances passed after the effective date of this ordinance shall be attached hereto.



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-AZ-031726, a request to rezone properties located at 1010 and 1020 Ratliff Street bearing a Legal Description of: Being Lot One (1) Two (2) and Three (3) Block One Emma Porter Estates San Benito, Cameron County, Texas according to the Plat thereof recorded in Cabinet 1, Page 848-A, Map Records of Cameron County, Texas from HI “Heavy Industry” to C-2 “Commercial General Retail Business”. Applicant: Charles Ratliff.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting to rezone the property from HI “Heavy Industry” to C-2 “Commercial General Retail Business.” Two of the lots currently contain existing residential structures, which are not permitted under the HI “Heavy Industry” zoning designation. Additionally, under the current HI zoning, property owners face limitations in obtaining building permits for structural renovations without approval from the Zoning Board of Adjustment.

Rezoning the property to a commercial classification that allows residential use would enable the owners to obtain necessary permits for renovations. This change would also eliminate higher-impact industrial uses, replacing them with less intensive commercial uses while accommodating residential structures. Overall, this represents a downzoning in terms of potential impacts, promotes land use compatibility, and provides greater protection for the existing residential structures on the subject lots.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Application
Location Map
Survey
Zoning Map
Land Use Chart

Future Land Use Map
Ordinance 2252-AZ-031726

PREPARED BY: Monica L. Rodriguez
Planning Manager

03/11/2026
Date

Fred R. Sandoval
Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

PLANNING DEPARTMENT

400 N. Travis Street
San Benito, TX 78586

(956) 361-3800 (ph.)

(956) 361-3810 (fax)

APPLICATION FOR REZONING

Permit #074391

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Charles H. Ratliff

Address 1020 Ratliff St.

City San Benito State TX. Zip 78586

Phone No. [REDACTED] Fax No.

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Charles H. Ratliff

Address of Property 1010 & 1020 Ratliff St

City San Benito State TX. Zip 78586

Legal Description of Property: Lot 1, 2, 3 Block I

Subdivision Emma Porter Estates

Existing Zoning H I Proposed Zoning C-1

Existing Land Use Residential & Agricultural Proposed Land Use Residential & Agricultural

REQUIREMENTS

- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: Reverting zoning to reflect current use.

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED]

Property Owner(s) Signature [REDACTED]

Date 12/10/2021
 Date 12/10/2021
 RECEIVED
 BY UH DATE
 JAN 12 2025

Revised 10/8/25



SITE

S RATLIFF ST

FALCON DR

UTEX DR

ANZALDUAS DR

FRIGIO ST

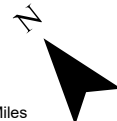
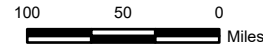
CHAPMAN ST



GIS Map Disclaimer:
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to verify the usability of the information. City of San Benito and software developers assume no legal responsibility for the information on these maps.

Drawn by: KC

**Location Map
Ratliff St.
Rezone from HI to C-2**



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

FLOOD ZONE "C"
COMM. PANEL N# 48010 0250-B
EFFECTIVE DATE 9/15/83

ENGINEER'S CERTIFICATE:

I, MANUEL J. MONTEMAYOR Registered Professional Engineer and Registered Public Surveyor, do hereby certify that this is a true and correct map of "EMMA PORTER SUB'D" Cameron County, Texas.



All Measurements are in feet and decimals thereof.

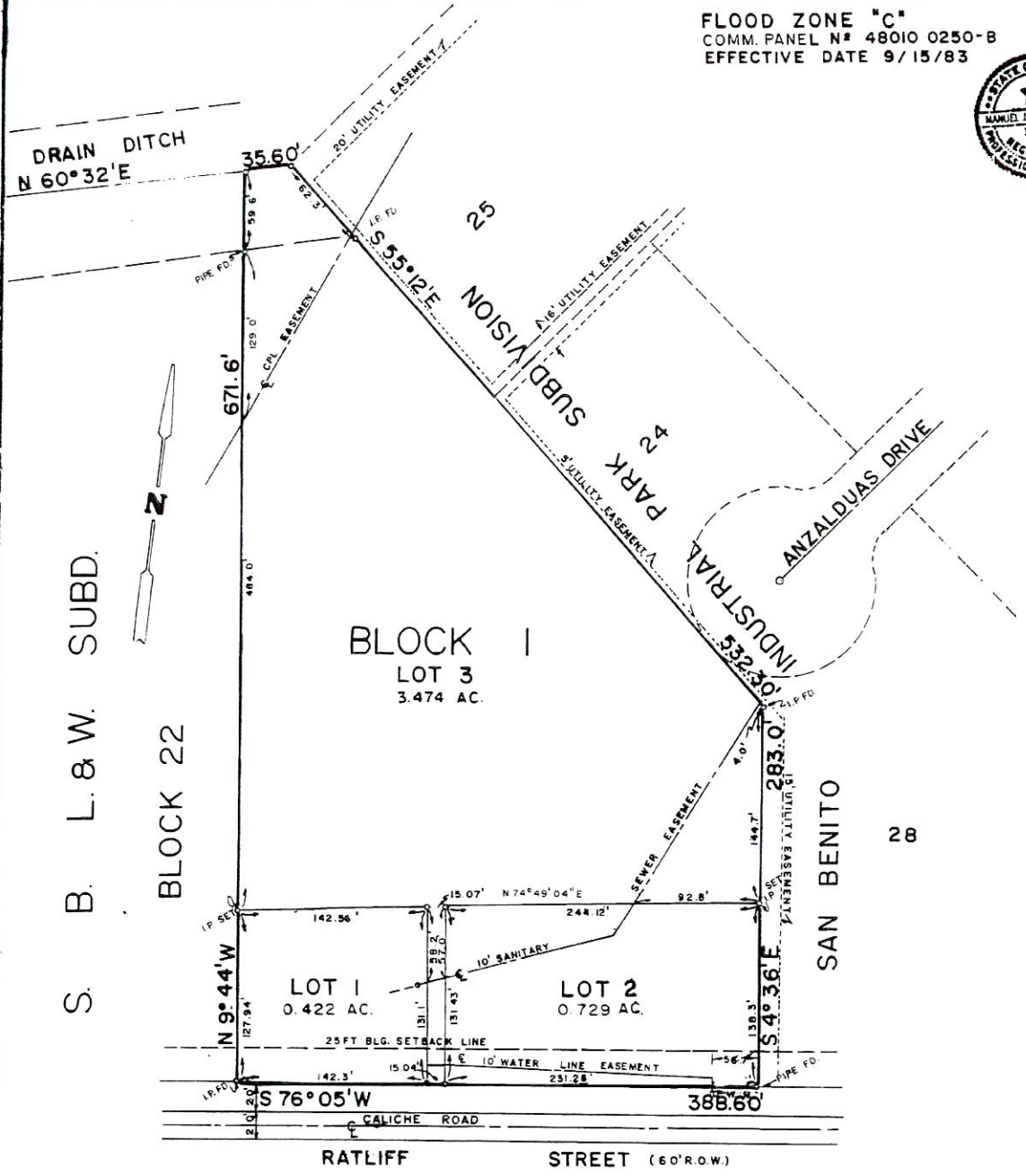
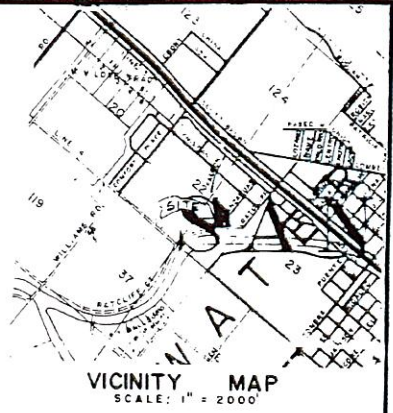
Date: 01/17/89

APPROVED: [Signature] ATTEST: [Signature] DATE: 02.07.89
 MAYOR, CITY OF SAN BENITO CITY SECRETARY

APPROVED: [Signature] DATE: 02.07.89
 CITY MANAGER, CITY OF SAN BENITO, TEXAS

APPROVED: [Signature] DATE: 1/19/89
 CITY PLANNING & ZONING

APPROVED: [Signature] DATE: 1/19/89
 CITY PLANNER & ZONING ADMINISTRATION



STATE OF TEXAS
COUNTY OF CAMERON

We the undersigned owners of the land shown on the map and designated herein as "EMMA PORTER ESTATES" To the County of Cameron, Texas, and whose names are subscribed hereby dedicate to the use of public forever, all streets, alleys, parks, water courses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.

STATE OF TEXAS
COUNTY OF CAMERON

Before me the undersigned authority, on this day personally appeared EMMA PORTER ESTATES known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration therein stated.

Given under my hand and seal of office this 16 day of January 1989.



NOTARY PUBLIC IN AND FOR CAMERON COUNTY, TEXAS
MY COMMISSION EXPIRES 11-20-96

STATE OF TEXAS
COUNTY OF CAMERON

I, Joe G. Rivera, Clerk of the Court in and for said County, do hereby certify that the foregoing instrument dated the 16 day of January 1989, with its certificate of authentication was filed in my Office the 10 day of January 1989 at 9:35 o'clock a.m., in Cabinet 4, Page 844A of the Map Records of said County.

Witness my hand and seal of office in Brownsville, Texas, the day and year last above written.

PLAT OF
EMMA PORTER ESTATES
 BEING
 4.625 ACRES OUT OF BLOCK 22
 SAN BENITO LAND AND
 WATER COMPANY SUBDIVISION
 (VOL. 1 FG. 6, M/R)
 CONCEPCION DE CARRITOS
 CAMERON COUNTY, TEXAS

PLATTED FOR: **EMMA PORTER**

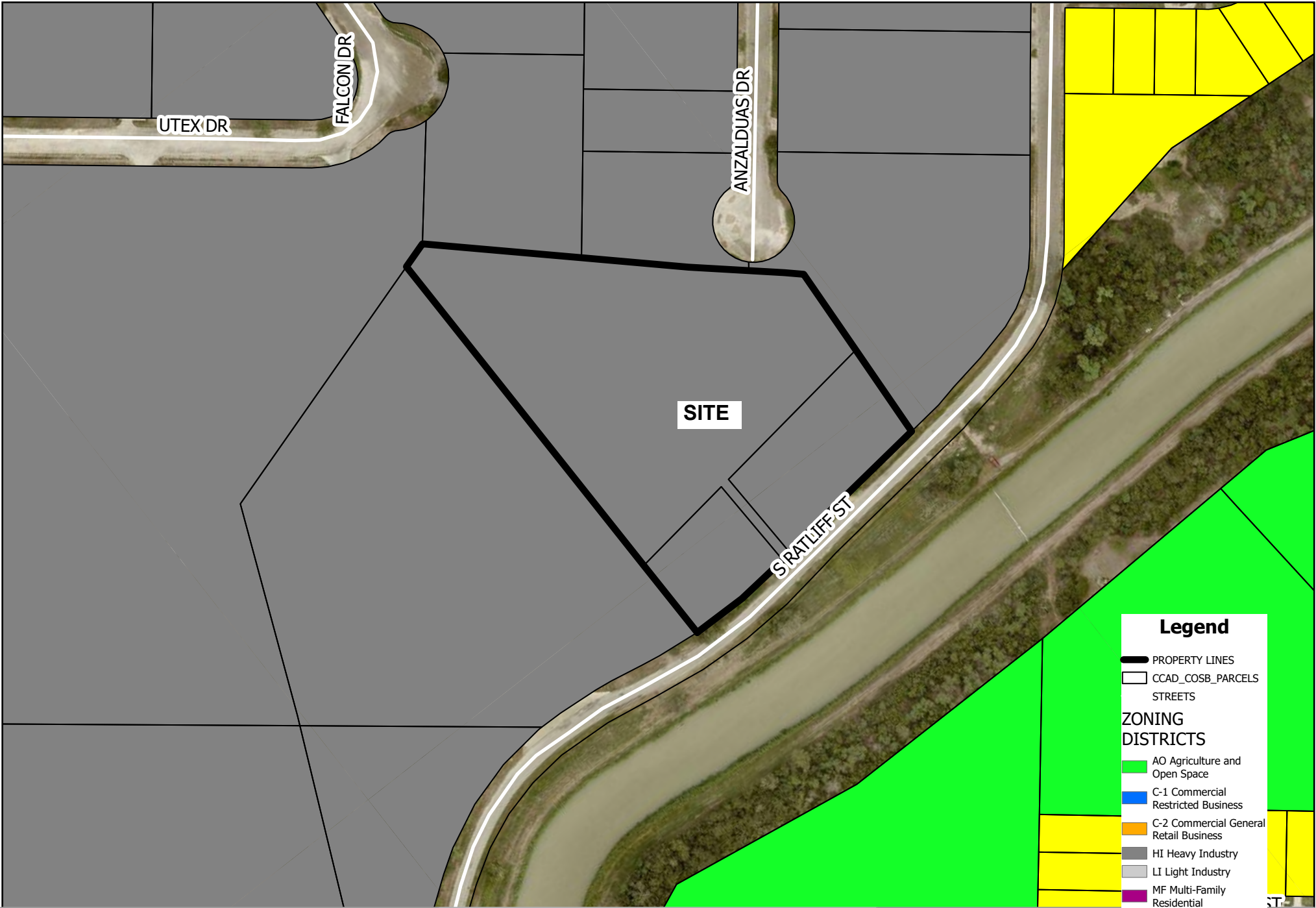
SCALE: 1" = 60' DECEMBER 29, 1988

MONTEMAYOR HANSEN & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 281 S. SAM HOUSTON P.O. BOX 1888
 SAN BENITO, TEXAS 78586

MH- 2084

RB 3/2/03

RECEIVED
 BY: LA DATE:
 JAN 12 2025



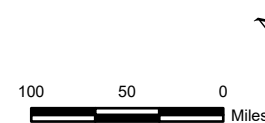
Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

ZONING DISTRICTS

- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

**Zoning Map
Ratliff St.
Rezone from HI to C-2**

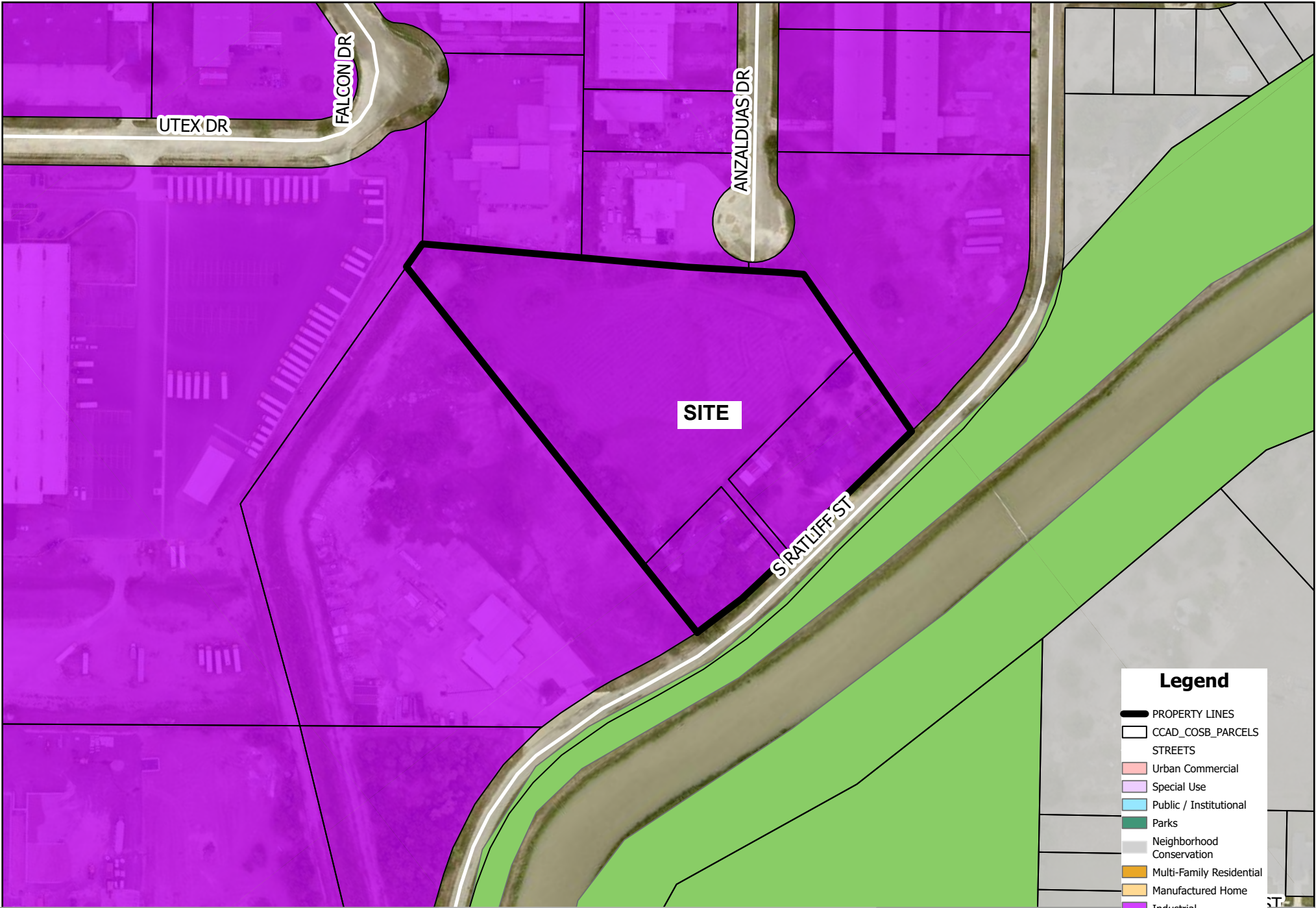


RESIDENTIAL USES

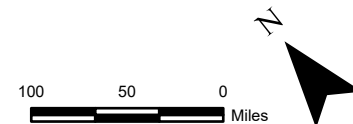
X	Permitted by Right
C	Conditional Use Permit Required
	Not Allowed

Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Single-Family Dwelling	X	X	X	X	X	X	X	X	X			X	C
Double Family Dwelling/ Duplex			X	X			X	X	X			X	C
Multi-Family Dwelling				X			X	X	X			X	C
Mobile Home					X							C	C
Recreational Vehicle Campground					X							C	C
Recreational Vehicle		*	*	*	X	*	*	*	*	*	*	C	C
Garden Home/Patio Homes		C	C	X	X	X	X	X				X	C
Townhouses		C	C	X			X	X				X	C
Condominium		C	C	X			X	X				X	C

* For Storage Purposes Only



**Future Land Use Map
Ratliff St.
Rezone from HI to C-2**



ORDINANCE NUMBER 2252-AZ-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: BEING LOT ONE (1), TWO (2), AND THREE (3), BLOCK ONE, EMMA PORTER ESTATES, SAN BENITO, CAMERON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 1, PAGE 848-A, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM HI “HEAVY INDUSTRY” TO C-2 “COMMERCIAL GENERAL RETAIL BUSINESS”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: : Being Lot One (1) Two (2) and Three (3) Block One Emma Porter Estates San Benito, Cameron County, Texas according to the Plat thereof recorded in Cabinet 1, Page 848-A, Map Records of Cameron County, Texas from HI “Heavy Industry” to C-2 “Commercial General Retail Business”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BA-031726, a request to rezone a property located at 762 East Otho Street bearing a Legal Description of: Lot Twelve (12) Block Four (4) Third Addition to the City of San Benito, Cameron County, Texas according to the Map or said Addition recorded in Volume 2, Page 5 of the Map Records of Cameron County, Texas from SF-1 “Single Family One” to C-2 “Commercial General Retail Business”. Applicant: Alma Delia Cantu.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting to rezone the property from SF-1 “Single Family One” to C-2 “Commercial General Retail Business” for commercial use.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Application
Future Land Use Map
Location Map
Survey
Zoning Map
Ordinance 2252-BA-031726

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

(956) 361-3800 (ph.)

(956) 361-3810 (fax)

PLANNING DEPARTMENT

APPLICATION FOR REZONING

Permit #074371

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Alma Delia Cantu

Address [REDACTED]

City San Benito State TX, ~~TX~~ Zip 78586

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Alma Cantu

Address of Property 762 Otho St

City San Benito State TEXAS Zip 78586

Legal Description of Property: Lot 12, Block 4

Subdivision Addition to The City of San Benito,

Existing Zoning SF1 Proposed Zoning Comercia 2

Existing Land Use _____ Proposed Land Use _____

REQUIREMENTS

- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: Barber Shop - Stylist

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED]

Date 1-9-26














Property Owner(s) Signature _____

Date _____





Legend

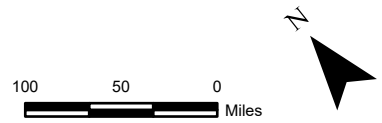
-  PROPERTY LINES
-  CCAD_COSB_PARCELS
- STREETS
-  Urban Commercial
-  Special Use
-  Public / Institutional
-  Parks
-  Neighborhood Conservation
-  Multi-Family Residential
-  Manufactured Home
-  Industrial
-  General Residential
-  General Commercial
-  Agriculture / Open Space



GIS Map Disclaimer:
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Drawn by: KC

**Future Land Use Map
762 E. Otho St.
Rezone from SF-1 to C-2**

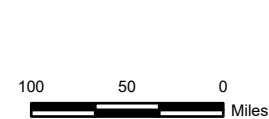




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Drawn by: KC

Location Map
762 E. Otho St.
Rezone from SF-1 to C-2



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

MAP OF SURVEY
LOT TWELVE (12), BLOCK FOUR (4), THIRD ADDITION TO THE CITY OF SAN BENITO, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OF SAID ADDITION RECORDED IN VOLUME 2, PAGE 5, MAP RECORDS, CAMERON COUNTY, TEXAS.

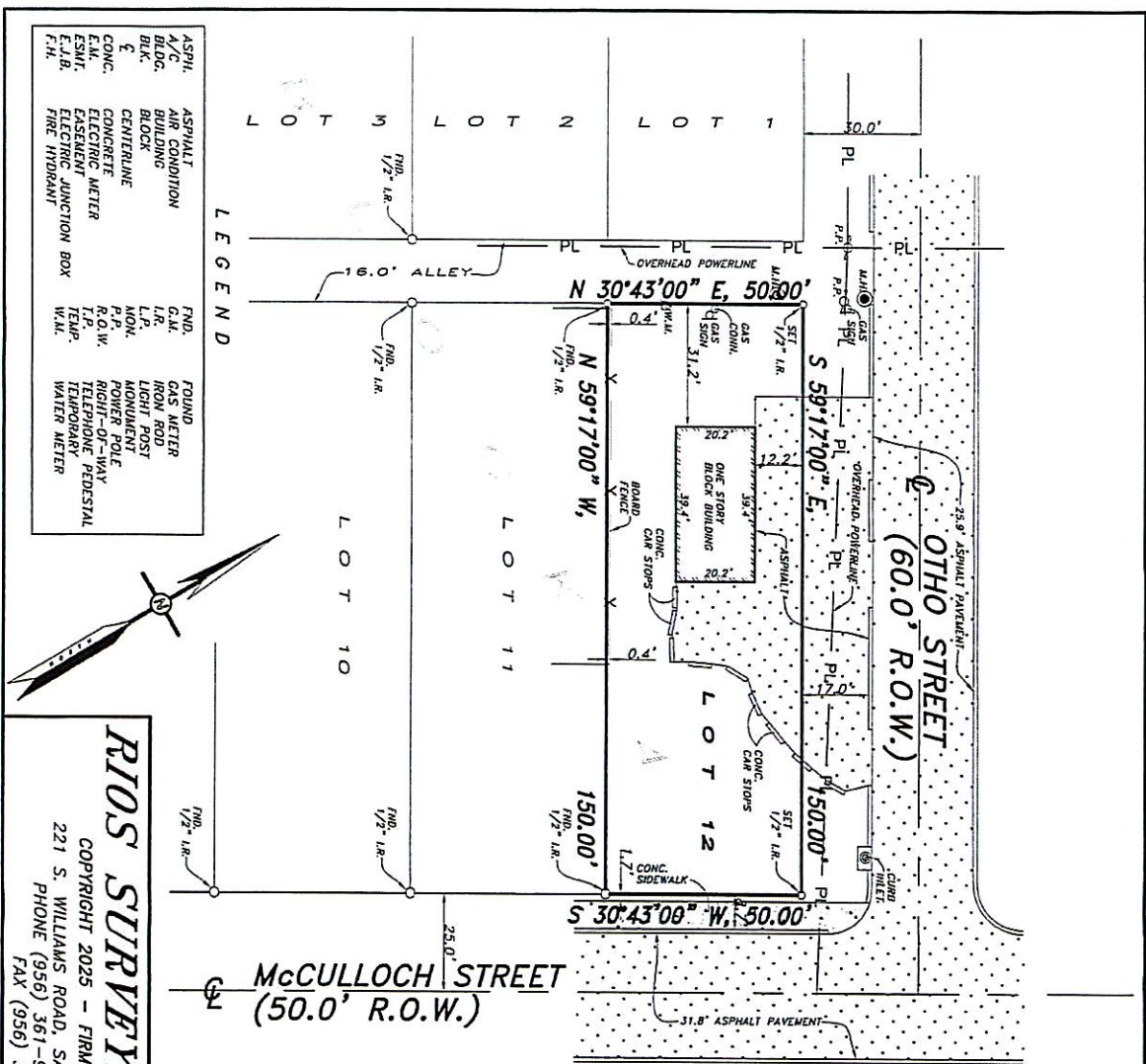
1. THIS AREA LIES IN FLOOD ZONE "X" (AREA OF ANNUAL FLOOD HAZARD), AS SCALED PER FIRM COMMUNITY PANEL NUMBER: 48029C0359, EFFECTIVE DATE: 09/29/2010.
2. ALL BEARINGS ARE BASED ON THE MAP OF THIRD ADDITION TO THE CITY OF SAN BENITO, CAMERON COUNTY, TEXAS, AS RECORDED IN VOLUME 2, PAGE 5, MAP RECORDS OF CAMERON COUNTY, TEXAS.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. EASEMENTS AND RESTRICTIONS MAY EXIST WHICH ARE NOT SHOWN HEREON.
4. BUILDING SETBACKS SHALL COMPLY WITH THE CITY OF SAN BENITO ZONING ORDINANCE.

SURVEYED FOR:
 ALMA CANTU



I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND ON DECEMBER 29, 2025 BY MEN WORKING UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS OR VISIBLE EASEMENTS ON SAID PROPERTY EXCEPT AS SHOWN HEREON. THIS SURVEY SUBSTANTIALLY COMPLES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B CONDITION II SURVEY.

FRANCISCO RIOS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 REGISTRATION NO. 4642



RIOS SURVEYING, L.L.C.
 COPYRIGHT 2025 - FIRM NO. 10117600
 221 S. WILLIAMS ROAD, SAN BENITO, TEXAS 78586
 PHONE (956) 361-9179 / 361-1853
 FAX (956) 361-9254

DATE : 1-7-2026	2025-1212
SCALE : 1"=30'	JOHN

RECEIVED
 BY: JA DATE: _____

JAN 09 2025



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

ZONING DISTRICTS

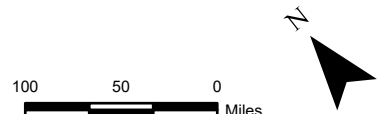
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential



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Drawn by: KC

Zoning Map
762 E. Otho St.
Rezone from SF-1 to C-2



ORDINANCE NUMBER 2252-BA-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: LOT TWELVE (12) BLOCK FOUR (4) THIRD ADDITION TO THE CITY OF SAN BENITO, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OF SAID ADDITION RECORDED IN VOLUME 2, PAGE 5 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS FROM SF-1 “SINGLE FAMILY ONE” TO C-2 “COMMERCIAL GENERAL RETAIL BUSINESS”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: : Lot Twelve (12) Block Four (4) Third Addition to the City of San Benito, Cameron County, Texas according to the Map or said addition recorded in Volume 2, Page 5 of the Map Records of Cameron County, Texas from SF-1 “Single Family One” to C-2 “Commercial General Retail Business”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action on the Second and Final Reading of Ordinance Number 2252-BB-031726, a request to rezone a property located at 1123 East Eighth Street bearing a Legal Description of: Being 10.0-acre tract of land out of Block 27, San Benito Land and Water Company Subdivision, Cameron County, Texas as per map thereof recorded in Volume 1, Page 6, Map Records, Cameon County, Texas, and further being out of certain 20.00 acre tract recorded in Volume 14147, Page 159, Official records, Cameron County, Texas from AO “Agriculture and Open Space” to C-2 “Commercial General Retail Business”. Applicants: Francisco and Miriam Galindo.

RECOMMENDATION:

The Planning and Zoning Commission recommends denial of this rezoning request, as there is no commercially zoned property located near the subject property.

RATIONALE:

The applicants are requesting to rezone the property from AO “Agriculture and Open Space” to C-2 “Commercial General Retail Business” for residential/commercial use. While the current AO “Agriculture and Open Space” zoning permits single family residential development, there are no properties zoned commercial in this area.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Application
Location Map
Survey
Zoning Map
Land Use Chart
Future Land Use Map
Ordinance 2252-BB-031726

PREPARED BY: **Monica L. Rodriguez**

03/11/2026
Date

Planning Manager

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT

(956) 361-3800 (ph.)

(956) 361-3810 (fax)

APPLICATION FOR REZONING

Permit #074400

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Francisco and Miriam Galindo

Address [REDACTED]

City Brownsville State Texas Zip 78521

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Francisco and Miriam Galindo

Address of Property 1123 E. Eight Street

City San Benito State Texas Zip 78586

Legal Description of Property: Lot _____, Block _____

Subdivision _____

Existing Zoning AO - Agricultural Proposed Zoning C-2 Commercial General

Existing Land Use Agricultural Native Brush Proposed Land Use Residential / Commercial

REQUIREMENTS

- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: _____

This property is currently zoned AO-Agricultural but cannot be used for its intended purposes because there is no longer access to irrigation water. The intent is to subdivide this property into residential and commercial lots.

I hereby certify that I have read and examined this application and know the same to be true and correct.

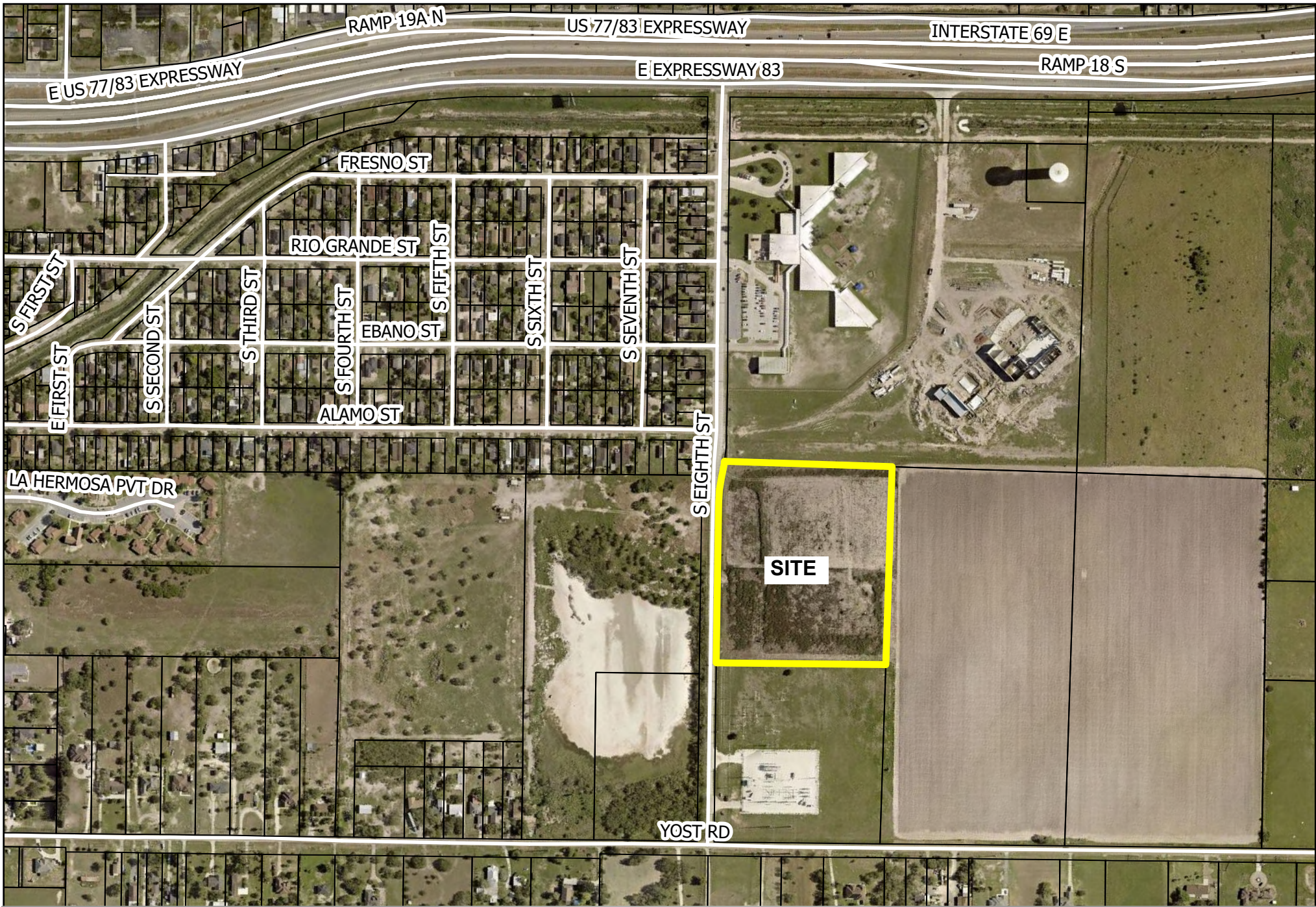
If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED]

Date 1-12-2026

Property Owner(s) Signature [REDACTED]

Date 1-12-2026



SAN BENITO
THE SOUL OF SOUTH TEXAS

GIS Map Disclaimer:
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Drawn by: KC

Location Map
1123 E. Eighth St.
Rezone from AO to C-2

Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

RIOS SURVEYING L.L.C.
FIRM NO. 10117600
221 S. WILLIAMS ROAD
SAN BENITO, TEXAS 78586
(956) 361-9179, FAX (956) 361-9254

METES AND BOUNDS DESCRIPTION
10.00 ACRES
CAMERON COUNTY, TEXAS.

Being a 10.00 acre tract of land out of Block Twenty Seven (27), of the San Benito Land and Water Company Subdivision, as recorded in Volume 1, Page 6 of the Map Records of Cameron County, Texas, and further being out of a certain 20.00 acre tract recorded in Volume 14147, Page 159 of the Official Records, Cameron County, Texas; Said 10.00 acre tract being more particularly described as follows:

COMMENCING at a ½ inch iron rod found on the intersection of the centerline of Yost Road (40.00 feet of Right of Way) and the centerline of 8th Street (40.00 feet of Right of Way), being the Southwest corner of a certain 10.000 acre tract recorded under Document Number 2019-24839 of the Official Records of Cameron County, Texas, and of said Block 27;

THENCE, along the centerline of said 8th Street and the West line of said 10.000 acre tract and of said Block 27, North 30 degrees 43 minutes 00 seconds East, a distance of 660.00 feet to a nail found for the Northwest corner of said 10.000 acre tract, and for the POINT OF BEGINNING and the Southwest corner of the herein described tract;

THENCE, continuing along the centerline of said 8th Street and the West line of said Block 27, North 30 degrees 43 minutes 00 seconds East, a distance of 660.00 feet to a point for the Southwest corner of the San Benito C.I.S.D. Subdivision No. 2, recorded in Cabinet 1, Slot 1491-B of the Map Records of Cameron County, Texas, and for the Northwest corner of the herein described tract;

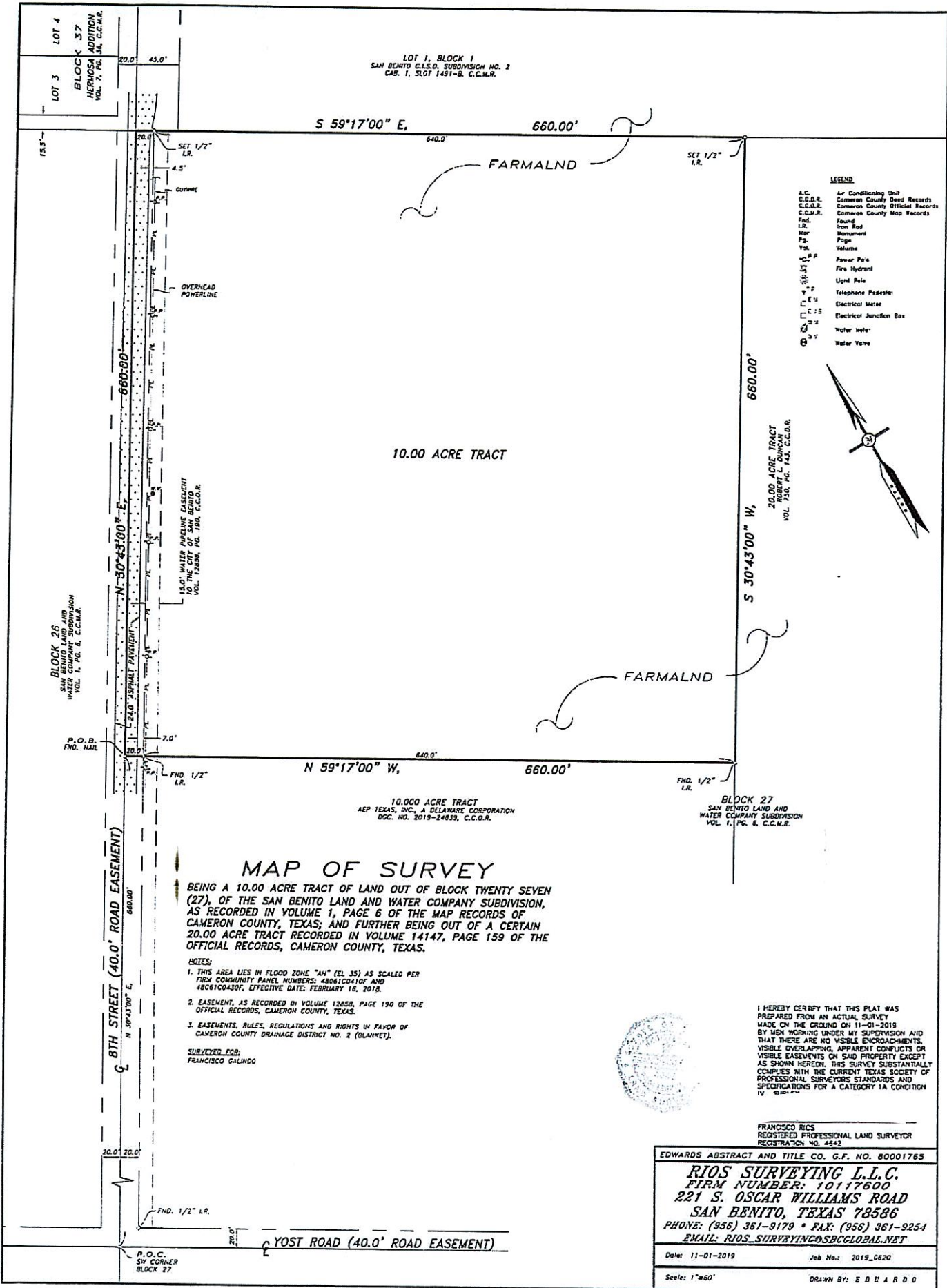
THENCE, departing the centerline of said 8th Street and the West line of said Block 27, South 59 degrees 17 minutes 00 seconds East, along the South line of said San Benito C.I.S.D. Subdivision No. 2, at a distance of 20.00 feet passing a ½ inch iron rod set for reference on the East Right of Way line of said 8th Street, and continuing in all a total distance of 660.00 feet to a ½ inch iron rod set for the Northwest corner of a certain 20.00 acre tract recorded in Volume 750, Page 143 of the Deed Records of Cameron County, Texas, and for the Northeast corner of the herein described tract;

THENCE, departing the South line of said San Benito C.I.S.D. Subdivision No. 2, South 30 degrees 43 minutes 00 seconds West, along the West line of said 20.00 acre tract, a distance of 660.00 feet to a ½ inch iron rod found for the Northeast corner of the aforementioned 10.000 acre tract, and for the Southeast corner of the herein described tract;

THENCE, departing the West line of said 20.00 acre tract, North 59 degrees 17 minutes 00 seconds West, along the North line of said 10.000 acre tract, at a distance of 640.00 feet passing a ½ inch iron rod found for reference on the East Right of Way line of the aforementioned 8th Street, and continuing in all a total distance of 660.00 feet to the POINT OF BEGINNING and containing 10.00 acres of land.

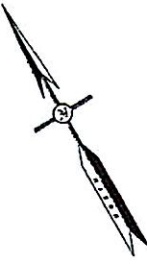
Compiled by: E.M.
Date: November 04, 2019
Job No.: 2019_0620.





LEGEND

A.C.	Air Conditioning Unit
C.C.D.R.	Cameron County Deed Records
C.C.O.R.	Cameron County Official Records
C.C.M.R.	Cameron County Map Records
Fnd.	Found from Record
Mon.	Monument
Pg.	Page
Vol.	Volume
P.F.	Power Pole
F.H.	Fire Hydrant
L.P.	Light Pole
T.P.	Telephone Pedestal
E.M.	Electrical Meter
E.J.B.	Electrical Junction Box
W.M.	Water Meter
W.V.	Water Valve



MAP OF SURVEY
 BEING A 10.00 ACRE TRACT OF LAND OUT OF BLOCK TWENTY SEVEN (27) OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS; AND FURTHER BEING OUT OF A CERTAIN 20.00 ACRE TRACT RECORDED IN VOLUME 14147, PAGE 159 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS.

- NOTES:**
1. THIS AREA LIES IN FLOOD ZONE "AH" (EL 35) AS SCALED PER FIRM COMMUNITY PANEL NUMBERS: 48061C0410F AND 48061C0430F. EFFECTIVE DATE: FEBRUARY 16, 2018.
 2. EASEMENT, AS RECORDED IN VOLUME 12858, PAGE 190 OF THE OFFICIAL RECORDS, CAMERON COUNTY, TEXAS.
 3. EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF CAMERON COUNTY DRAINAGE DISTRICT NO. 2 (BLANKET).

SURVEYED FOR:
FRANCISCO GALINDO

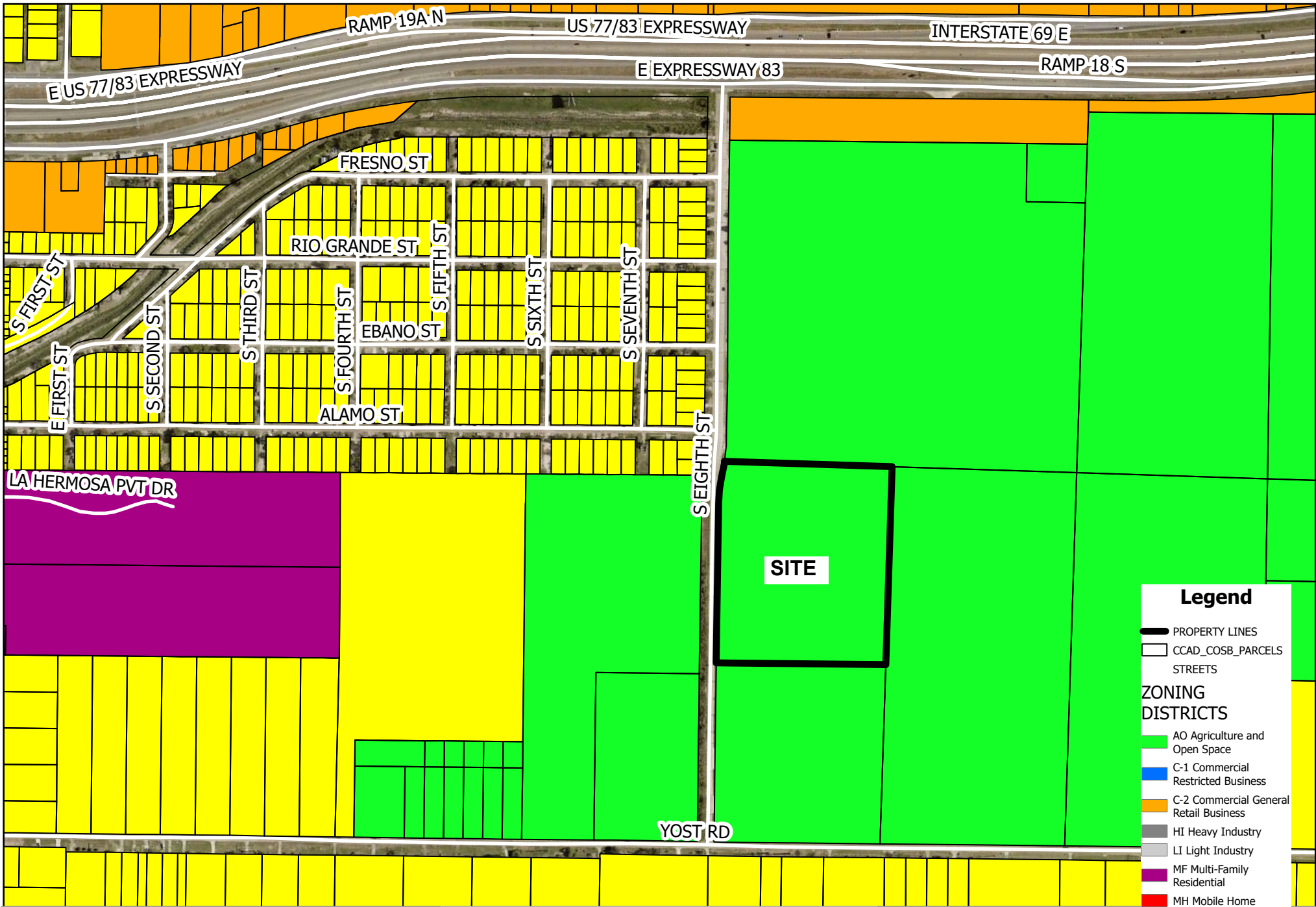
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND ON 11-01-2019 BY MEY HERNANDEZ UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPING, APPARENT CONFLICTS OR VISIBLE EASEMENTS ON SAID PROPERTY EXCEPT AS SHOWN HEREIN. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION IV.

FRANCISCO RIOS
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 4842

EDWARDS ABSTRACT AND TITLE CO. G.F. NO. 80001765

RIOS SURVEYING L.L.C.
 FIRM NUMBER: 10117600
 221 S. OSCAR WILLIAMS ROAD
 SAN BENITO, TEXAS 78586
 PHONE: (956) 361-9179 • FAX: (956) 361-9254
 EMAIL: RIOS_SURVEYING@SBGLOBAL.NET

Date: 11-01-2019 Job No.: 2019_0620
 Scale: 1"=60' DRAWN BY: E D U A R D O



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS
- ZONING DISTRICTS**
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

SAN BENITO
THE SOUL OF SOUTH TEXAS

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Drawn by: KC

Zoning Map
1123 E. Eighth St.
Rezone from AO to C-2

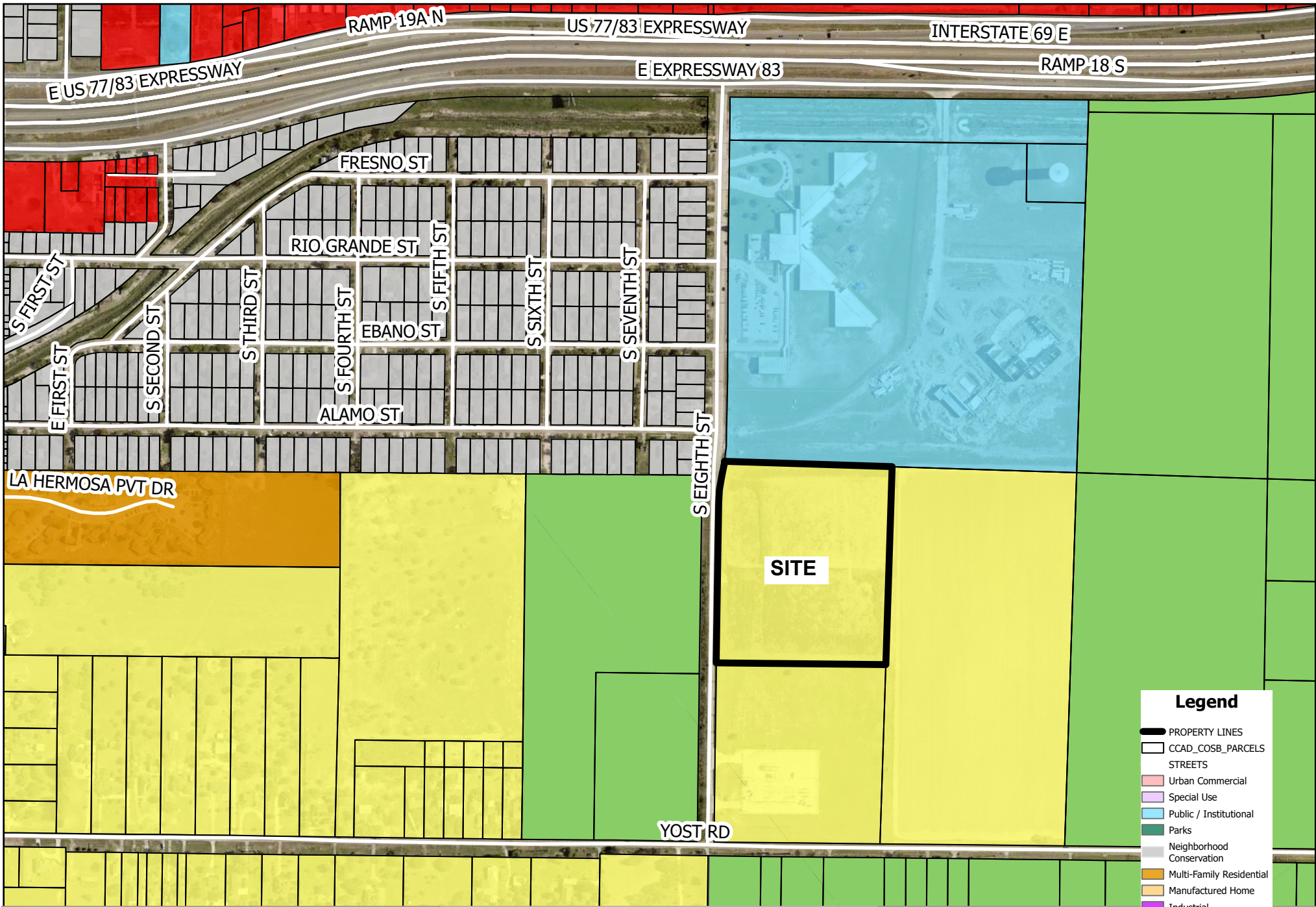
100 50 0
Miles

RESIDENTIAL USES

X	Permitted by Right
C	Conditional Use Permit Required
	Not Allowed

Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Single-Family Dwelling	X	X	X	X	X	X	X	X	X			X	C
Double Family Dwelling/ Duplex			X	X			X	X	X			X	C
Multi-Family Dwelling				X			X	X	X			X	C
Mobile Home					X							C	C
Recreational Vehicle Campground					X							C	C
Recreational Vehicle		*	*	*	X	*	*	*	*	*	*	C	C
Garden Home/Patio Homes		C	C	X	X	X	X	X				X	C
Townhouses		C	C	X			X	X				X	C
Condominium		C	C	X			X	X				X	C

* For Storage Purposes Only



ORDINANCE NUMBER 2252-BB-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: BEING A 10.0-ACRE TRACT OF LAND OUT OF BLOCK 27, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS, AS PER MAP THEREOF RECORDED IN VOLUME 1, PAGE 6, MAP RECORDS, CAMERON COUNTY, TEXAS, AND FURTHER BEING OUT OF A CERTAIN 20.00-ACRE TRACT RECORDED IN VOLUME 14147, PAGE 159, OFFICIAL RECORDS, CAMERON COUNTY, TEXAS, FROM AO “AGRICULTURE AND OPEN SPACE” TO C-2 “COMMERCIAL GENERAL RETAIL BUSINESS”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: Being 10.0-acre tract of land out of Block 27, San Benito Land and Water Company Subdivision, Cameron County, Texas as per map thereof recorded in Volume 1, Page 6, Map Records, Cameon County, Texas, and further being out of certain 20.00 acre tract recorded in Volume 14147, Page 159, Official records, Cameron County, Texas from AO “Agriculture and Open Space” to C-2 “Commercial General Retail Business”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BC-031726, a request to rezone a property located at 351 Cesar Gonzalez Parkway bearing a Legal Description of: Being 5.01 acres of land out of the Southwest 10.0 acres out of the Southeast One-Quarter of Block 6, San Benito Land and Water Company Subdivision, according to Map recorded in Volume 1, Page 6, Map Records, Concepcion De Carricitos Grant, Cameron County, Texas from LI "Light Industry" to C-2 "Commercial General Retail Business". Applicant: Ovidio De La Fuente III.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting to rezone the property from LI "Light Industry" to C-2 "Commercial General Retail Business" for residential/commercial use.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

- Application
- Location Map
- Survey
- Zoning Map
- Future Land Use Map
- Ordinance 2252-BC-031726

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT

(956) 361-3800 (ph.)
(956) 361-3810 (fax)

APPLICATION FOR REZONING

074539

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Ovidio C. De La Fuente III

Address 351 Cesar Gonzales Pkwy

City San Benito State Texas Zip 78586

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Ovidio C. De La Fuente III

Address of Property 351 Cesar Gonzales Pkwy

City San Benito State Texas Zip 78586

Legal Description of Property: Lot _____, Block 6

Subdivision SAN BENITO LAND & WATER COMPANY

Existing Zoning L1 Proposed Zoning C-2

Existing Land Use _____ Proposed Land Use _____

REQUIREMENTS

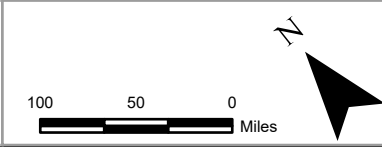
- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

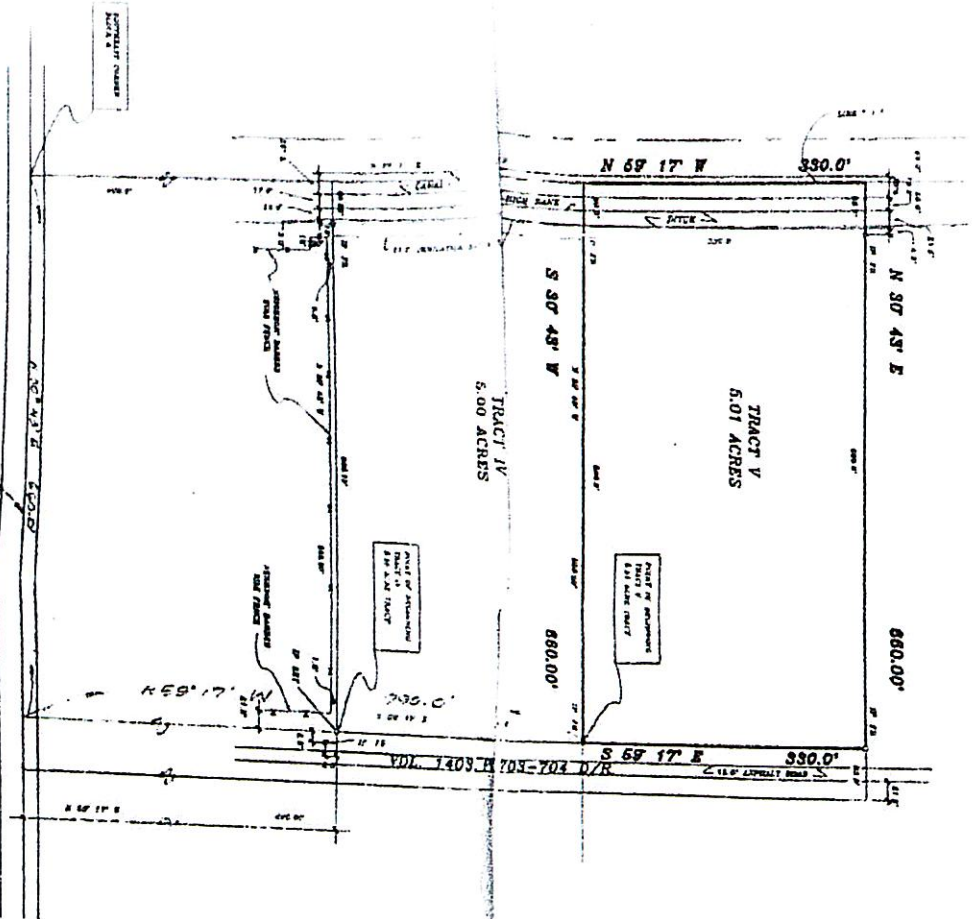
Please provide a basic description of the proposed project: _____

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED] Date 1-22-26

Property Owner(s) Signature [REDACTED] Date 1-22-26



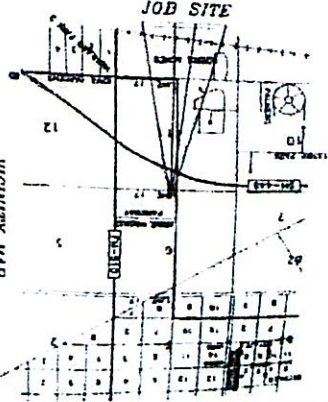


E.P.M. 510

CP No. 963159H
 Surveyed by: J.C. RITZ
 Checked by: J.C. RITZ
 Approved by: A.M. GARCIA



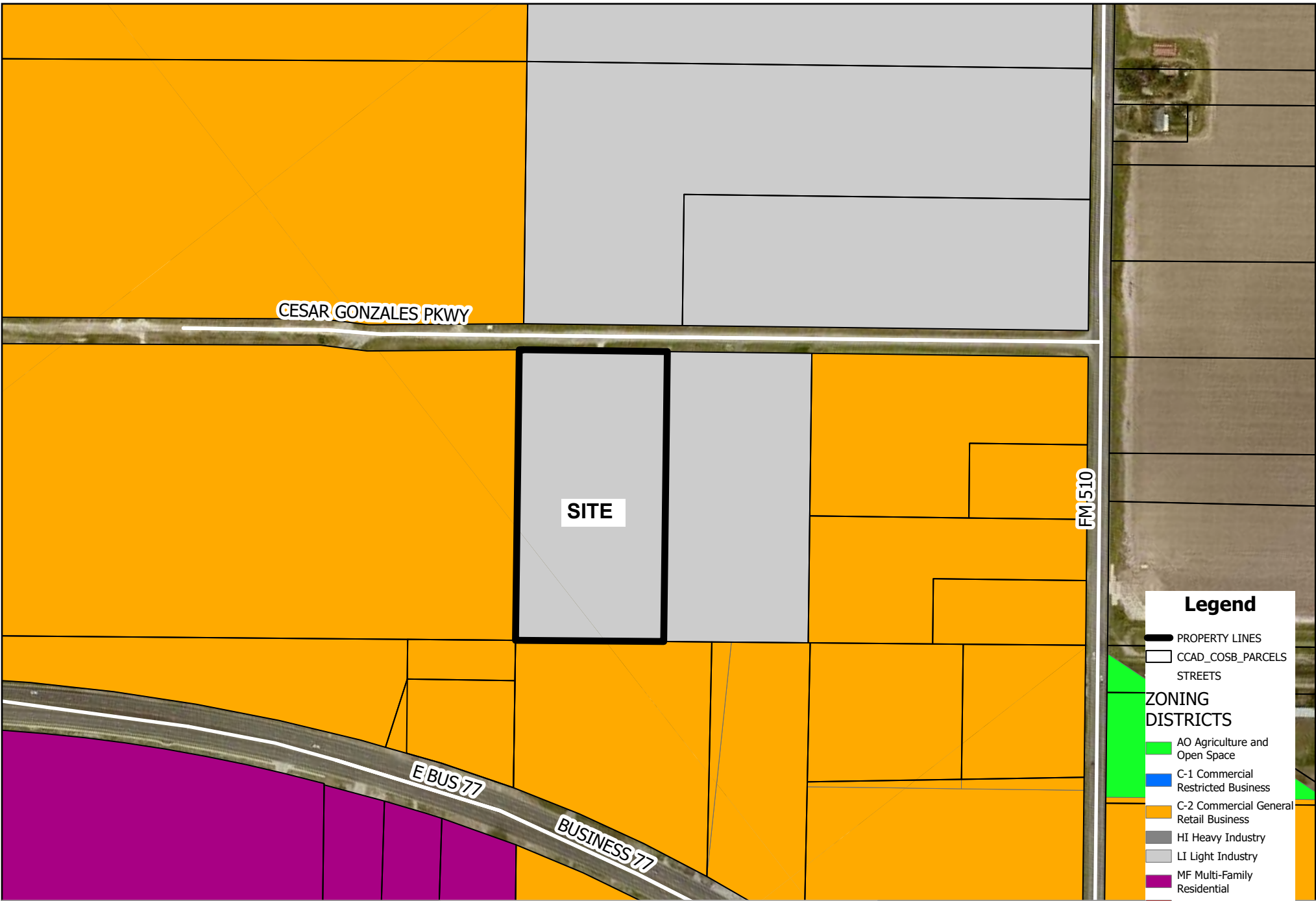
THE BOUNDARIES SHOWN HEREON ARE THE RESULT OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY ACCURATELY REPRESENT THE ACTUAL BOUNDARIES OF THE PROPERTY DESCRIBED HEREON. I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS AND AM NOT PROVIDING ANY WARRANTY AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREON.



PLAT OF ELEVATION
 BEING:
5.01 ACRES OF LAND
 TRACT V
 OUT OF THE SOUTHWEST 1/4 SECTION 04
 OUT OF THE SOUTHWEST ONE QUARTER OF
 BLOCK 6,
 SAN BENITO LAND AND WATER
 COMPANY SUBDIVISION,
 ACCORDING TO MAP RECORDED IN
 VOLUME 1, PAGE 6, MAP RECORDS, MAP RECORDS
 CONVERSION TO CHANGING COURSE
 CAMERON COUNTY, TEXAS
 SUBMITTED FOR
OVIDO DE LA FUENTE
AND WIFE,
MARCELA C. DE LA FUENTE

Scale 1" = 100.0'
 Date: MARCH 11, 1999
 REV. DATE: 3-17-99

MONTEVAYOR - HANSEN - GARCIA
 VILLAFRANCO & ASSOCIATES
 SURVEYORS AND PLANNERS
 6301 PARKERS LINE ROAD, BURNSVILLE, TX 78009
 SAN BENITO, TEXAS 78586
 DED. # (210) 548-0471, S.H. # (410) 399-3321
 FAX # (410) 541-8606
 Drawn by: **BILL TAYLOR** Project No.
 Checked by: **J.C. RITZ**
 Approved by: **A.M. GARCIA**
ME-9441 1-0F-1
 Sheet No.



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS
- ZONING DISTRICTS**
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

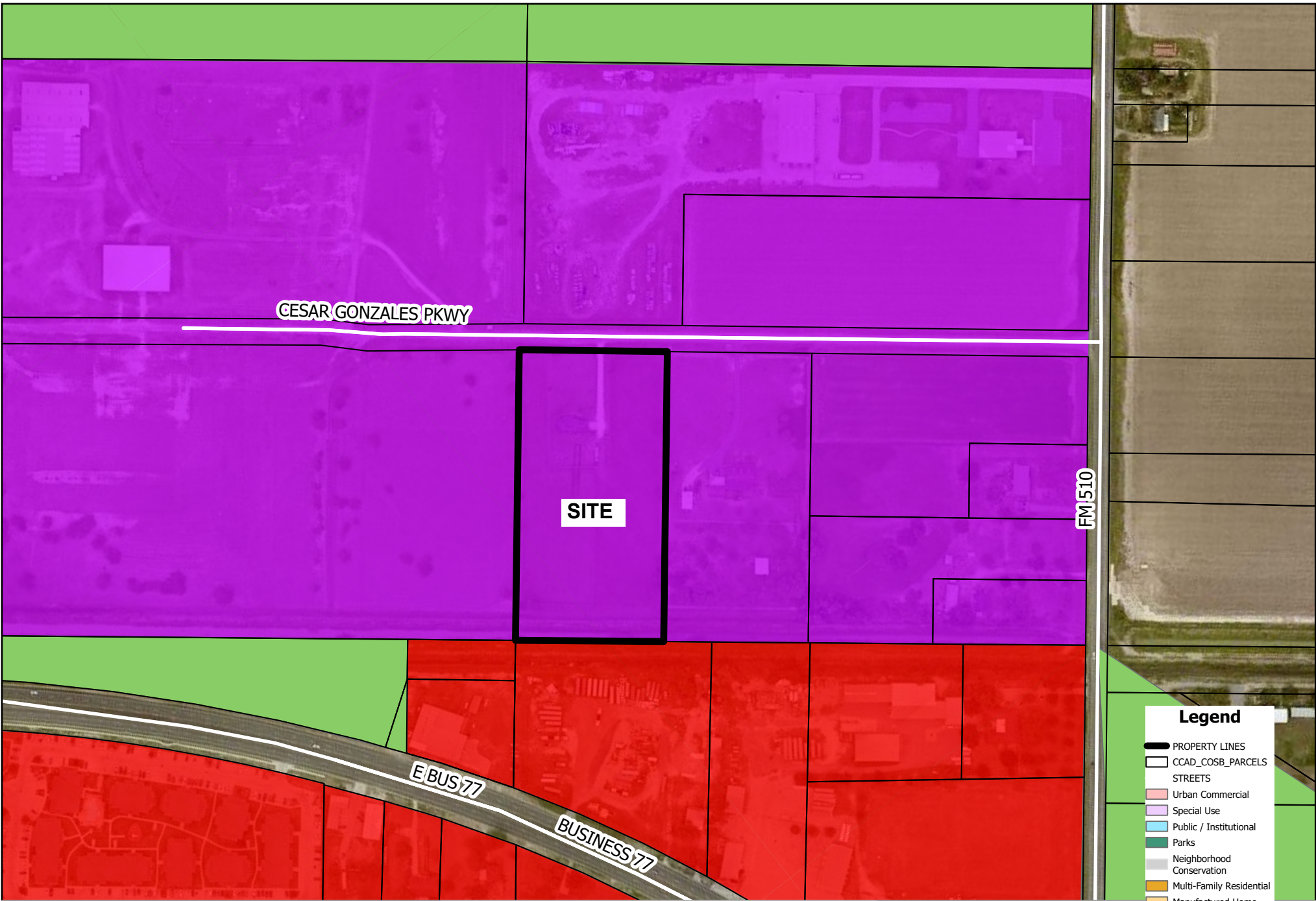
SAN BENITO
THE SOUL OF SOUTH TEXAS

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Drawn by: KC

Zoning Map
351 Cesar Gonzales Pkwy
Rezone from LI to C-2

100 50 0
Miles



ORDINANCE NUMBER 2252-BC-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: BEING 5.01 ACRES OF LAND OUT OF THE SOUTHWEST 10.0 ACRES OUT OF THE SOUTHEAST ONE-QUARTER OF BLOCK 6, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, ACCORDING TO MAP RECORDED IN VOLUME 1, PAGE 6, MAP RECORDS, CONCEPCION DE CARRICITOS GRANT, CAMERON COUNTY, TEXAS, FROM LI “LIGHT INDUSTRY” TO C-2 “COMMERCIAL GENERAL RETAIL BUSINESS”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: Being 5.01 acres of land out of the Southwest 10.0 acres out of the Southeast One-Quarter of Block 6, San Benito Land and Water Company Subdivision, according to Map recorded in Volume 1, Page 6, Map Records, Concepcion De Carricitos Grant, Cameron County, Texas from LI “Light Industry” to C-2 “Commercial General Retail Business”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2252-BD-031726, a request to rezone a property located at 780 South Fannin Street bearing a Legal Description of: Being the South 35 feet of Lot Six (6), all of Lots Seven (7) and Eight (8) and the North One-Half (1/2) of Lot Nine (9), Wilkinson Subdivision, an addition to the City of San Benito, Texas, according to the map or plat thereof recorded in Volume 6, Page 55, Map records of Cameron County, Texas from SF-1 “Single Family One” to C-2 “Commercial General Retail Business”. Applicant: Antonio Vasquez.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting to rezone the property from SF-1 “Single Family One” to C-2 “Commercial General Retail Business” for commercial use.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Application
Location Map
Survey
Zoning Map
Future Land Use Map
Ordinance 2252-BD-031726

PREPARED BY: Monica L. Rodriguez

03/11/2026
Date

Planning Manager

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT

(956) 361-3800 (ph.)
(956) 361-3810 (fax)

APPLICATION FOR REZONING

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Antonio Vasquez

Address [REDACTED]

City Los Fresnos State TX Zip 78566

Phone No. [REDACTED] Fax No. [REDACTED]

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Antonio Vasquez - 780 S Fannin St LLC

Address of Property 780 S Fannin St

City San Benito State TX Zip 78586

Legal Description of Property: Lot 6, 7, 8, N 1/2 Block _____

Subdivision Wilkinson Addition 35'

Existing Zoning Residential Proposed Zoning Commercial C-2

Existing Land Use Residential Proposed Land Use Commercial C-2
Empty lots

REQUIREMENTS

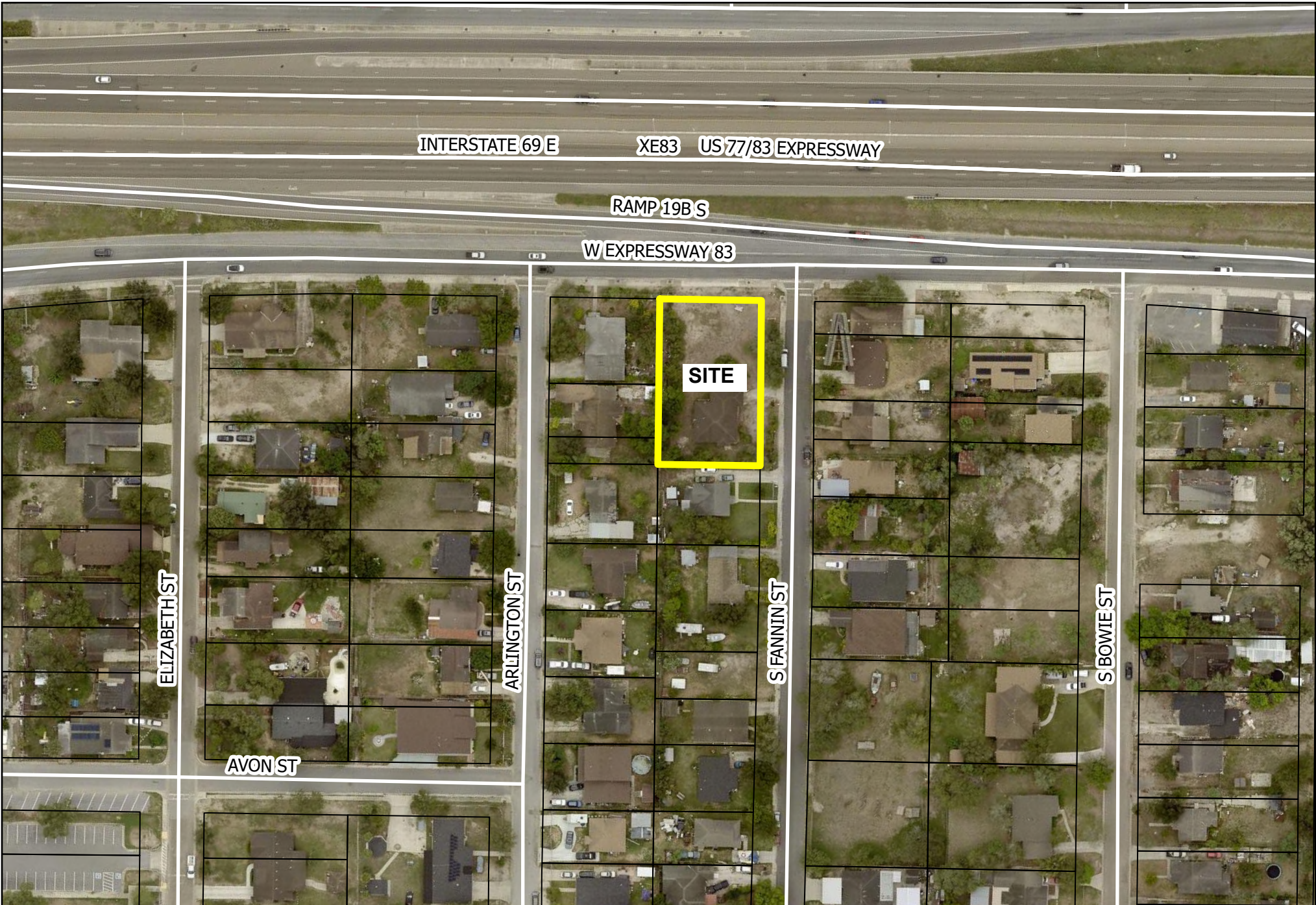
- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: We want to use the existing building for rent. Retail, office, mixed use

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED] Date 2/4/26

Property Owner(s) Signature [REDACTED] Date 2/4/26



INTERSTATE 69 E XE83 US 77/83 EXPRESSWAY

RAMP 19B S

W EXPRESSWAY 83

SITE

ELIZABETH ST

AVON ST

ARLINGTON ST

S FANNIN ST

S BOWIE ST



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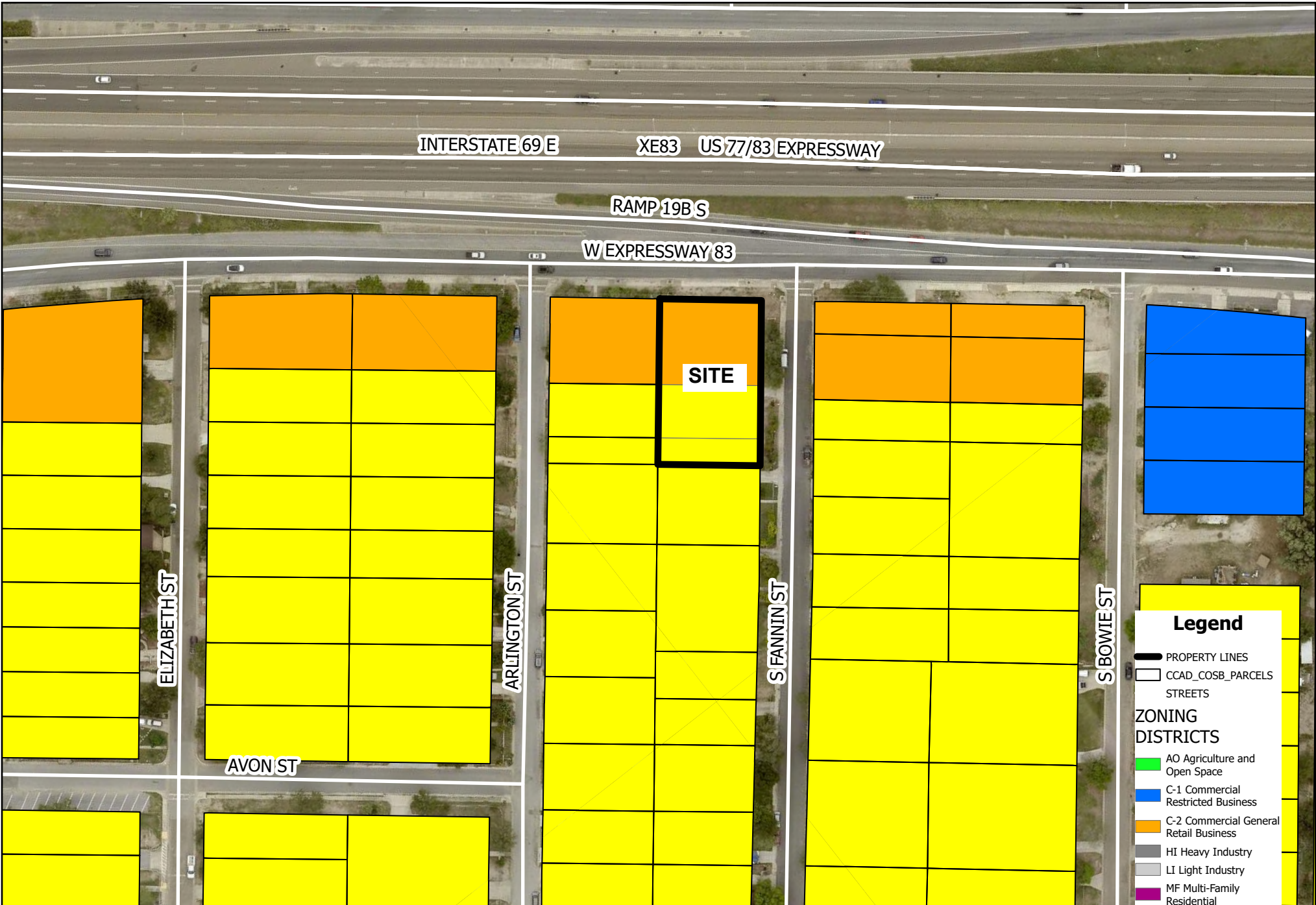
Drawn by: KC

Location Map
780 S. Fannin St.
Rezone from SF-1 to C-2



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS



INTERSTATE 69 E XE83 US 77/83 EXPRESSWAY

RAMP 19B S

W EXPRESSWAY 83

ELIZABETH ST

ARLINGTON ST

S FANNIN ST

S BOWIE ST

AVON ST

SITE

Legend

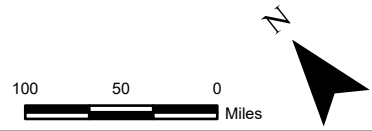
- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS
- ZONING DISTRICTS**
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

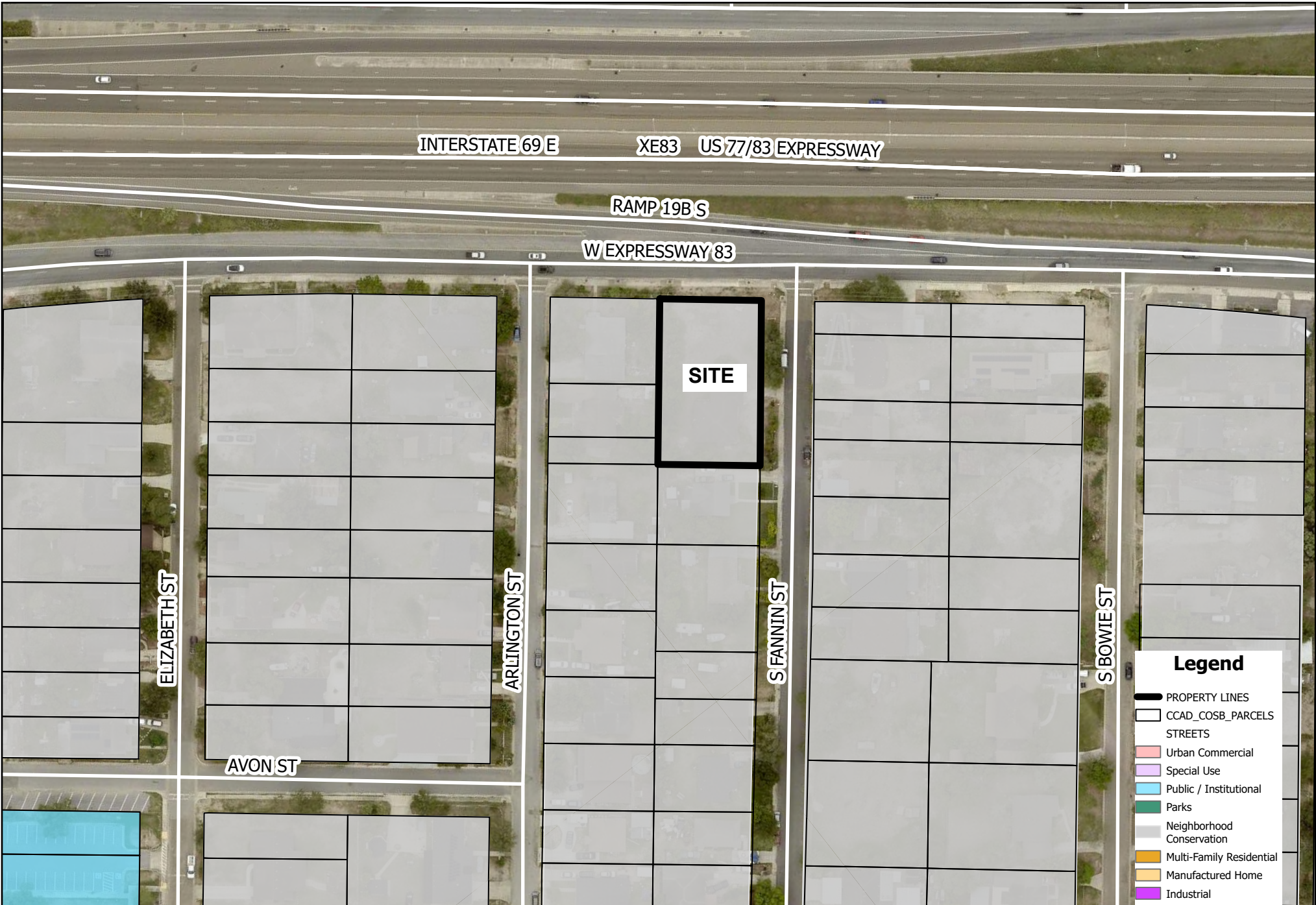


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Drawn by: KC

**Zoning Map
780 S. Fannin St.
Rezone from SF-1 to C-2**





INTERSTATE 69 E XE83 US 77/83 EXPRESSWAY

RAMP 19B S

W EXPRESSWAY 83

ELIZABETH ST

ARLINGTON ST

S FANNIN ST

S BOWIE ST

AVON ST

SITE

Legend

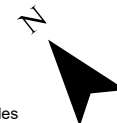
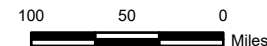
- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS
- Urban Commercial
- Special Use
- Public / Institutional
- Parks
- Neighborhood Conservation
- Multi-Family Residential
- Manufactured Home
- Industrial
- General Residential
- General Commercial
- Agriculture / Open Space



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Drawn by: KC

**Future Land Use Map
780 S. Fannin St.
Rezone from SF-1 to C-2**



ORDINANCE NUMBER 2252-BD-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: BEING THE SOUTH 35 FEET OF LOT SIX (6), ALL OF LOTS SEVEN (7) AND EIGHT (8), AND THE NORTH ONE-HALF (1/2) OF LOT NINE (9), WILKINSON SUBDIVISION, AN ADDITION TO THE CITY OF SAN BENITO, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 55, MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM SF-1 “SINGLE FAMILY ONE” TO C-2 “COMMERCIAL GENERAL RETAIL BUSINESS”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: Being the South 35 feet of Lot Six (6), all of Lots Seven (7) and eight (8) and the North One-Half (1/2) of Lot Nine (9), Wilkinson Subdivision, an addition to the City of San Benito, Texas, according to the map or plat thereof recorded in Volume 6, Page 55, Map records of Cameron County, Texas from SF-1 “Single Family One” to C-2 “Commercial General Retail Business”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action on the Second and Final Reading of Ordinance Number 2252-BE-031726, a request to rezone a property located at 942 East Stenger Street bearing a Legal Description of: Tract I: A 1.44 acre of land being a portion of Block Two (2) of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas and Tract II: Being a 0.31 acre tract of land, being part of Block (2), of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas from C-1 “Commercial Restricted Business” to MH “Mobile Home”. Applicants: Carlos and Alicia Ruiz.

RECOMMENDATION:

The Planning and Zoning Commission recommends denial of the rezoning request. The proposal does not meet the requirements of the City’s ordinance, which mandates a minimum of twenty-five (25) units for a mobile home/RV development.

RATIONALE:

The applicant is requesting to rezone the property from C-1 “Commercial Restricted Business” to MH “Mobile Home” in order to develop rental mobile home/RV units. While the MH “Mobile Home” zoning designation is consistent with the Future Land Use Map, the proposal does not comply with the City’s zoning ordinance requirements.

The ordinance requires a minimum of twenty-five (25) units for a mobile home/RV development. Based on the total property area of 76,230 square feet, and applying the minimum lot area requirement of 3,750 square feet per trailer for units exceeding 32 feet in length, the site would accommodate approximately twenty (20) units, which does not meet the required 25-unit minimum. For trailers less than 32 feet in length, which require a minimum of 2,500 square feet per unit, the site could accommodate approximately thirty (30) units.

However, these calculations do not account for the required minimum 28-foot-wide internal private street, which would further reduce the number of allowable units. Therefore, the proposed development does not meet the minimum unit requirement established by ordinance.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS: Application
 Future Land Use Map
 Location Map
 Survey
 Zoning Map
 Ordinance 2252-BE-031726

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT

(956) 361-3800 (ph.)
(956) 361-3810 (fax)

APPLICATION FOR REZONING

Permit #

074764

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Carlos Ruiz y Alicia Ruiz

Address 942 E. Stenger St.

City San Benito State Tx Zip 78586

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Carlos Ruiz y Alicia Ruiz

Address of Property 942 E. Stenger St.

City San Benito State Tx Zip 78586

Legal Description of Property: Lot 2, Block 1

Subdivision Clara

Existing Zoning casa Proposed Zoning _____

Existing Land Use C1 Proposed Land Use MH

REQUIREMENTS

- ~\$350.00 (non-refundable)
- ~Survey and Metes & Bounds / Recorded Plat
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: poner un pisos para poner trailers moviles (RV) en renta.

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

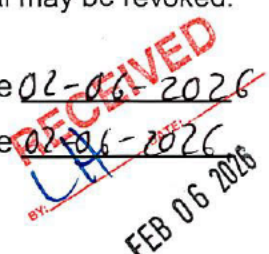
Applicant's Signature [REDACTED]

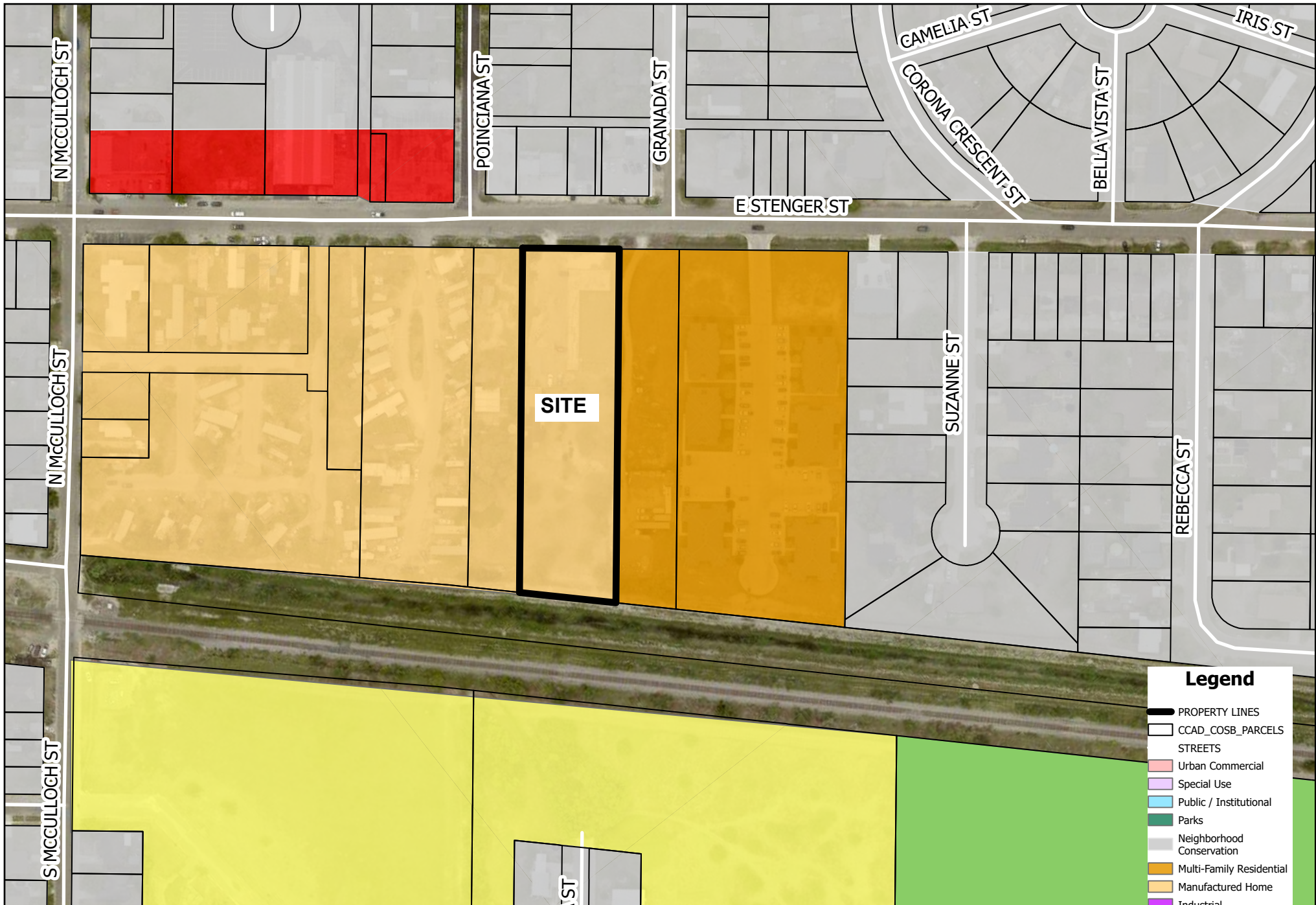
Property Owner(s) Signature [REDACTED]

Date 02-06-2026

Date 02-06-2026

Revised 10/8/25





Legend

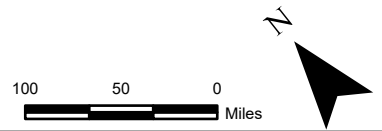
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- Urban Commercial
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- Manufactured Home
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- General Residential
- General Commercial
- Agriculture / Open Space

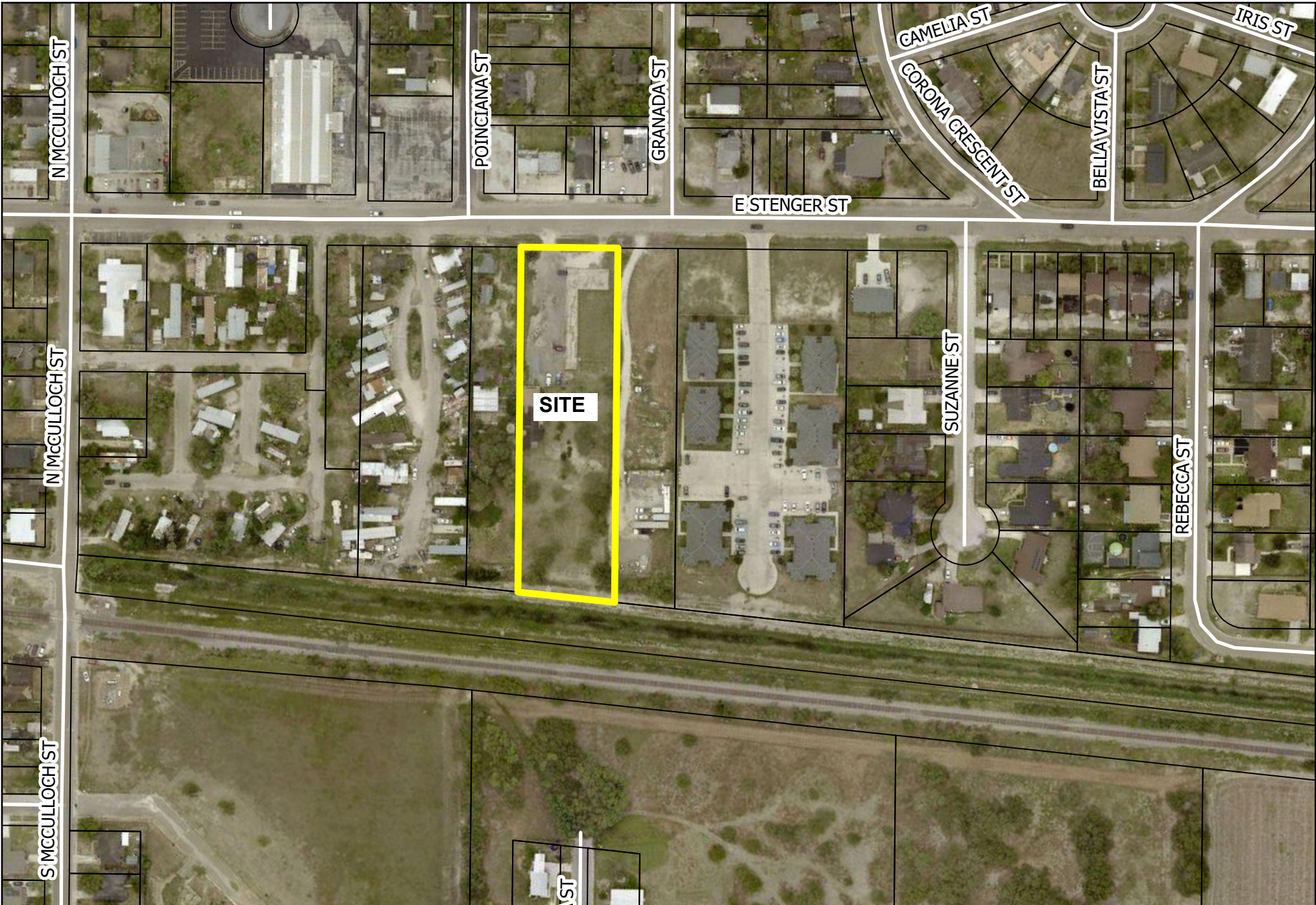


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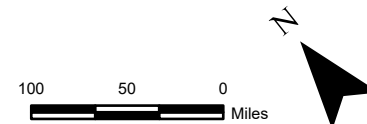
Drawn by: KC

**Future Land Use Map
942 E. Stenger St.
Rezone from C-1 to MH**

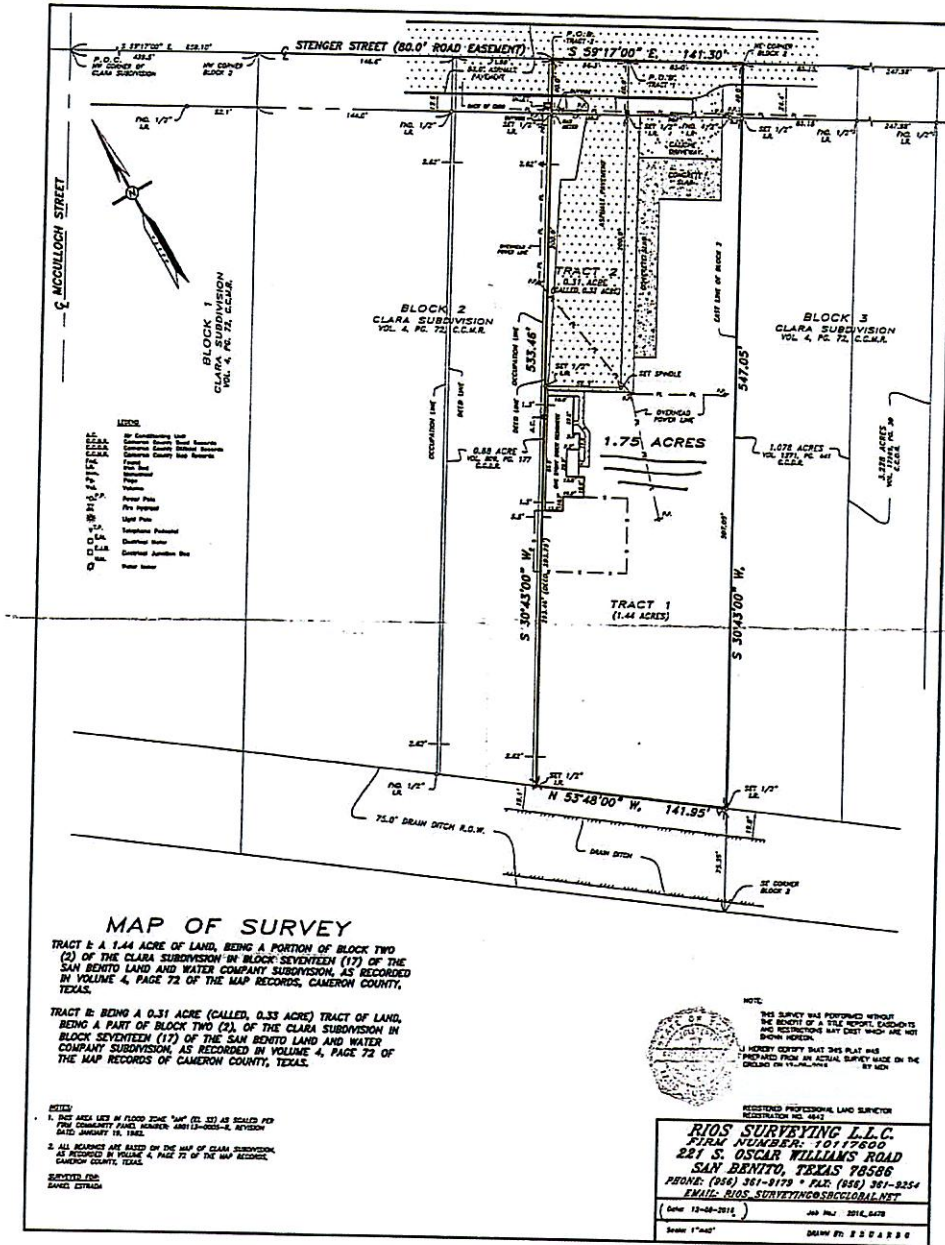




Location Map
942 E. Stenger St.
Rezone from C-1 to MH



- Legend**
- PROPERTY LINES
 - CCAD_COSB_PARCELS
 - STREETS



MAP OF SURVEY

TRACT A: A 1.44 ACRE OF LAND, BEING A PORTION OF BLOCK TWO (2) OF THE CLARA SUBDIVISION IN BLOCK SEVENTEEN (17) OF THE SAN BENTO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 4, PAGE 72 OF THE MAP RECORDS, CAMERON COUNTY, TEXAS.

TRACT B: BEING A 0.31 ACRE (CALLED, 0.33 ACRES) TRACT OF LAND, BEING A PART OF BLOCK TWO (2), OF THE CLARA SUBDIVISION IN BLOCK SEVENTEEN (17) OF THE SAN BENTO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 4, PAGE 72 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

- NOTES**
1. THIS AREA LIES IN FLOOD ZONE "A" (F. 33) AS SHOWN FOR THE COMMUNITY FLOOD HAZARD (48113-000-0-0) SECTION DATED JANUARY 18, 1982.
 2. ALL BEARINGS ARE BASED ON THE MAP OF CLARA SUBDIVISION AS RECORDED IN VOLUME 4, PAGE 72 OF THE MAP RECORDS, CAMERON COUNTY, TEXAS.

BY: [Signature]



NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, EASEMENTS AND RESTRICTIONS MAPS THAT WOULD HAVE BEEN SHOWN HEREON.
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND ON 12-08-2015 BY ME.

REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 4843

RIOS SURVEYING L.L.C.
FIRM NUMBER: 10175600
221 S. OSCAR WILLIAMS ROAD
SAN BENTO, TEXAS 78586
PHONE: (858) 361-8179 * FAX: (858) 361-8254
EMAIL: RIOS.SURVEYING@SBGLOBAL.NET

Date: 12-08-2015 Job No: 2016_0478
Scale: 1"=40' DRAWN BY: E S S A R B B

RECEIVED
DATE: FEB 06 2026



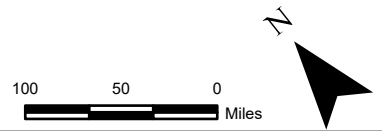
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- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS
- ZONING DISTRICTS**
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

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Drawn by: KC

Zoning Map
942 E. Stenger St.
Rezone from C-1 to MH



ORDINANCE NUMBER 2252-BE-031726

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2252 AND AMENDING THE ZONING MAP OF THE CITY OF SAN BENITO TO CHANGE THE ZONING OF A PROPERTY BEARING A LEGAL DESCRIPTION OF: TRACT I: A 1.44 ACRE TRACT OF LAND BEING A PORTION OF BLOCK TWO (2) OF THE CLARA SUBDIVISION IN BLOCK SEVENTEEN (17) OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 4, PAGE 72 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS; AND TRACT II: BEING A 0.31 ACRE TRACT OF LAND, BEING PART OF BLOCK TWO (2) OF THE CLARA SUBDIVISION IN BLOCK SEVENTEEN (17) OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 4, PAGE 72 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, FROM C-1 “COMMERCIAL RESTRICTED BUSINESS” TO MH “MOBILE HOME”.

WHEREAS, the rezone is consistent with the city’s land use plan as set-forth in the land use map that is a part of the city’s zoning ordinance, and consistent with the city’s intentions of allowing and encouraging residential development that generates property taxes and water and sewer revenues; and

WHEREAS, the rezone is adopted by this ordinance after a hearing at which the public was given the opportunity to give testimony and present written evidence, and the City Planning and Zoning Commission has reviewed the rezone request; and all other legal requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

SECTION I. ADOPTION

The zoning district classification of the property bearing a legal description of: Tract I: A 1.44 acre of land being a portion of Block Two (2) of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas and Tract II: Being a 0.31 acre tract of land, being part of Block (2), of the Clara Subdivision in Block Seventeen (17) of the San Benito Land and Water Company Subdivision, as recorded in Volume 4, Page 72 of the Map Records of Cameron County, Texas from C-1 “Commercial Restricted Business” to MH “Mobile Home”.

SECTION II. EFFECTIVE DATE

This ordinance shall be effective upon its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular City Commission Meeting of the City of San Benito, Texas, on this, 17th day of March, 2026.

CITY OF SAN BENITO, TEXAS

Honorable Ricardo Guerra
Mayor

ATTEST:

Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the Second and Final Reading of Ordinance Number 2546-01, an ordinance of the City of San Benito, Texas, amending Ordinance Number 2546 and any other amending ordinances codified in the Code of Ordinances pertaining to "Flood Damage Prevention", repealing all ordinances in conflict, and providing for an effective date.

RECOMMENDATION:

Staff recommends approval.

RATIONALE:

The Flood Damage Prevention Plan is being amended to read that the structure shall have the lowest floor elevated to or above two feet (2') above the base flood elevation for residential and nonresidential construction. A section is also being added to Standards for Subdivision Proposals for all subdivision proposals, including manufactured home parks and subdivisions, to ensure that post-development runoff volumes and peak discharge rates do not exceed pre-development levels for the 2-, 10-, and 100-year, 24-hour storm events. Compliance must be achieved through Low Impact Development (LID) practices, green infrastructure, or other permanent stormwater management facilities designed and maintained in accordance with accepted engineering standards by a registered professional engineer.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS: ORDINANCE NO 2546-01

PREPARED BY: Monica L. Rodriguez

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval

City Manager

ORDINANCE NO. 2546-01

AN ORDINANCE OF THE CITY OF SAN BENITO, TEXAS, AMENDING ORDINANCE NUMBER 2546 AND ANY OTHER AMENDING ORDINANCES CODIFIED IN THE CODE OF ORDINANCES PERTAINING TO “FLOOD DAMAGE PREVENTION”; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**CHAPTER 3 BUILDING REGULATIONS
ARTICLE 3.14 FLOOD DAMAGE PREVENTION**

CHAPTER 1: GENERALLY

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CHAPTER 1: Generally

3.14.001. Statutory authorization.

The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the mayor and city commission of the city does ordain as follows:

3.14.002. Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

3.14.003. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.

3.14.004. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

3.14.005. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article it's most reasonable application.

Alluvial fan flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard. The land area that would be inundated by the 1-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood. The flood having a 1-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development. Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction. For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See flood elevation study.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood protection system. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See regulatory floodway.

Functionally dependent use. A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or;
 - 2) Directly by the Secretary of the Interior in states without approved programs.

Levee. A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974,

whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle. A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See area of special flood hazard.

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures which have incurred

“substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Variance. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without

the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3.14.006. Lands to which this article applies.

This article shall apply to all areas of special flood hazard with the jurisdiction of the city.

3.14.007. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Cameron County, Texas and Incorporated Areas” dated February 16, 2018 with accompanying flood insurance rate maps (FIRM) dated February 16, 2018 and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

3.14.008. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

3.14.009. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

3.14.010. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.14.011. Interpretation.

In the interpretation and application of this article, all provisions shall be;

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.14.012. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

3.14.013. Designation of the floodplain administrator.

The director of planning and development is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

3.14.014. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- B. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for development permits required by adoption of this article.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- F. Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with section 3.14.007, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of sections 3.14.017 through 3.14.021.
- I. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- J. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12.

3.14.015. Permit procedures.

- A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - 1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - 2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - 3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 3.14.018(2);
 - 4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - 5) Maintain a record of all such information in accordance with section 3.14.014;

- B. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
- 1) The danger to life and property due to flooding or erosion damage;
 - 2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 3) The danger that materials may be swept onto other lands to the injury of others;
 - 4) The compatibility of the proposed use with existing and anticipated development;
 - 5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - 7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - 8) The necessity to the facility of a waterfront location, where applicable;
 - 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

3.14.016. Variance procedures.

- A. The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 3.14.015(b) of this article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 3.14.003).

- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - 1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2) Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1) The criteria outlined in this section are met; and
 - 2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

3.14.017. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3.14.018. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.14.007, section 3.14.014(8), or section 3.14.019(c), the following provisions are required:

- A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above two feet (2') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 3.14.015(a)(1), is satisfied.
- B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above two feet (2') above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- C. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2) The bottom of all openings shall be no higher than 1 foot above grade.
 - 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured homes.

- 1) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- 2) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 - a) The lowest floor of the manufactured home is at or above the base flood elevation; or
 - b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational Vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either: (A) be on the site for fewer than 180 consecutive days; or (B) be fully licensed and ready for highway use; or (C) meet the permit requirements of section 3.14.015(a), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3.14.019. Standards for subdivision proposals.

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 3.14.002, 3.14.003, 3.14.004 of this article.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section 3.14.008; section 3.14.015; and the provisions of sections 3.14.017 through 3.14.021 of this article.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.14.007 or section 3.14.014(8) of this article.

- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- F. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be designed to ensure that post-development runoff volumes and peak discharge rates do not exceed pre-development runoff volumes and peak discharge rates for the 2-year, 10-year, and 100-year, 24-hour storm events. This shall be achieved through the use of Low Impact Development (LID) principles, green infrastructure practices, or other permanent stormwater management facilities designed by a registered professional engineer. Such facilities shall be designed, constructed, and maintained to permanently minimize the adverse impacts of new impervious surfaces and development on flood conditions, in accordance with generally accepted engineering standards.

3.14.020. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 3.14.007, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
- B. All new construction and substantial improvements of nonresidential structures;
 - 1) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - 2) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- C. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this Section, as proposed in section 3.14.015 are satisfied.
- D. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

3.14.021. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the

provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ordinance 2546 adopted 2/6/18)

§ 3.14.022. through § 3.14.030. (Reserved)

CHAPTER 2: No-Wake Vehicle

3.14.031. Title.

During periods of unusually high water, flooding and/or a natural disaster and a concern for all health, safety and property and the protection of said property, motor vehicles and/or watercrafts operating within the city will be required to observe no-wake rules over the entire city jurisdiction.

3.14.032. Definitions.

Words and phrases used in this division shall be defined and construed in accordance with the definitions as set forth:

Emergency. A sudden, urgent, usually unexpected occurrence or occasion requiring immediate action of need for help or relief, created by some unexpected event.

Emergency personnel. Is an individual with a specific purpose or directive, assigned to a specific task, which include but are not limited to police, firemen, medical personnel or government staff.

Flood. Anytime the curbs on a street and or the street itself are not visible due to water.

High profile vehicle. Any vehicle with a high center of gravity, especially SUV's, vans, and pickup trucks which are susceptible to rollovers.

Motor vehicle. Any wheeled vehicle whose propulsion is provided by an engine or motor of an internal combustion engine, although electric motors or other types are sometimes used.

No-wake. Operation of a motorized vehicle at the slowest possible speed required to maintain no water wake.

Operator. As used in this division, a person who drives or has physical control of a vehicle or water craft.

Wake. Is the region of recirculating flow immediately behind a moving solid body, caused by the flow of surrounding fluid around the body. In fluid dynamics, a wake is the region of disturbed flow (usually turbulent) downstream of a solid body moving through a fluid, caused by the flow of the fluid around the body. In incompressible fluids (liquids) such as water, a bow wake is created when a watercraft moves through the medium; as the medium cannot be compressed, it must be displaced instead, resulting in a wave.

Watercraft. Any self-propelled motorized vessel that moves on or through the water whose propulsion is provided by an engine or motor of an internal combustion engine, although electric motors or other types are sometimes used.

3.14.033. Operation on flooded streets.

- A. It shall be unlawful for any person to operate any motor vehicle or boat on the streets, roads, highways, bridges or other areas which are flooded or inundated within the city either in excess of a speed of five miles per hour.
- B. No person, unless emergency personnel shall be allowed to operate any high profile vehicle within the jurisdiction of the city, which would could cause a wake to flow unto personal or real property.
- C. No person shall in any way tamper with, move, damage or destroy any barricades, signs or signals placed upon any streets, roads, highways or bridges within the city by any department of the city government or any other governmental agency in connection with any such street, road, highway or bridge being flooded or inundated.
- D. No person shall disobey the instructions, signals, warnings or markings of any warning sign, signal, barricade, city employee or other emergency personnel so placed on any such street, road, highway or bridge which is flooded or inundated, unless at the time having been expressly so directed by a police officer of the state or city.

3.14.034. Penalty for violation.

Any person who violates any of the provisions of this division shall be fined an amount not to exceed five hundred dollars (\$500.00) per day per offense.

FIRST READING of this ordinance before the City Commission of the City of San Benito at its Regular City Commission Meeting on this the 3rd day of March, 2026.

PASSED, APPROVED, AND ADOPTED on the Second and Final Reading at a Regular Meeting of the City Commission of the City of San Benito, Texas on this 17th day of March, 2026.

CITY OF SAN BENITO

Honorable Ricardo Guerra

Mayor

ATTEST:

Ruth A. McGinnis

City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve a request for a Conditional Use Permit to place a Storage Building greater than 200 square feet at a property located at 1400 Zillock Road zoned MH “Mobile Home” bearing a Legal Description of: Being Lot Q19 out of 51.41 acres of land, more or less, out of Block One Hundred Eighteen (118), San Benito Land and Water Company Subdivision, Concepcion de Carricitos Grant in Cameron County, Texas as per map plat thereof recorded in Volume 1, Page 6, Map Records, Cameron County, Texas. Applicant: David Justice.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting a Conditional Use Permit to place a Storage Building greater than 200 square feet. The Land Use Chart requires a Conditional Use Permit. Therefore, a Conditional Use Permit is needed to comply with city ordinance.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

Application
Location Map
Zoning Map
Site Plan
Fun N Sun Map
Land Use Chart

PREPARED BY: **Monica L. Rodriguez**

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION

(956) 361-3800 (ph.)
(956) 361-3810 (fax)

APPLICANT INFORMATION (Please PRINT or TYPE)

Name David Justice

Address 1400 Zillock Rd. Lot P18

City San Benito State TX Zip 78586

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property ENCORE - FUN-N-SUN RV RESORT MHC FUNNSUN LLC.

Address of Property 1400 Zillock Rd Lot Q19

City San Benito State TX Zip 78586

Legal Description of Property: Lot _____ Block _____

Subdivision _____

Existing Zoning _____ Existing Land Use _____

REQUIREMENTS

- ~\$250.00 (non-refundable)
- ~Site Plan (show scale, north arrow, property lines, location of streets, alleys, means of access, dimensions of existing/proposed structures, and parking plan)
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: Cement slab with metal garage - (540 SQFT)

I hereby certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED]

Date 1-5-26

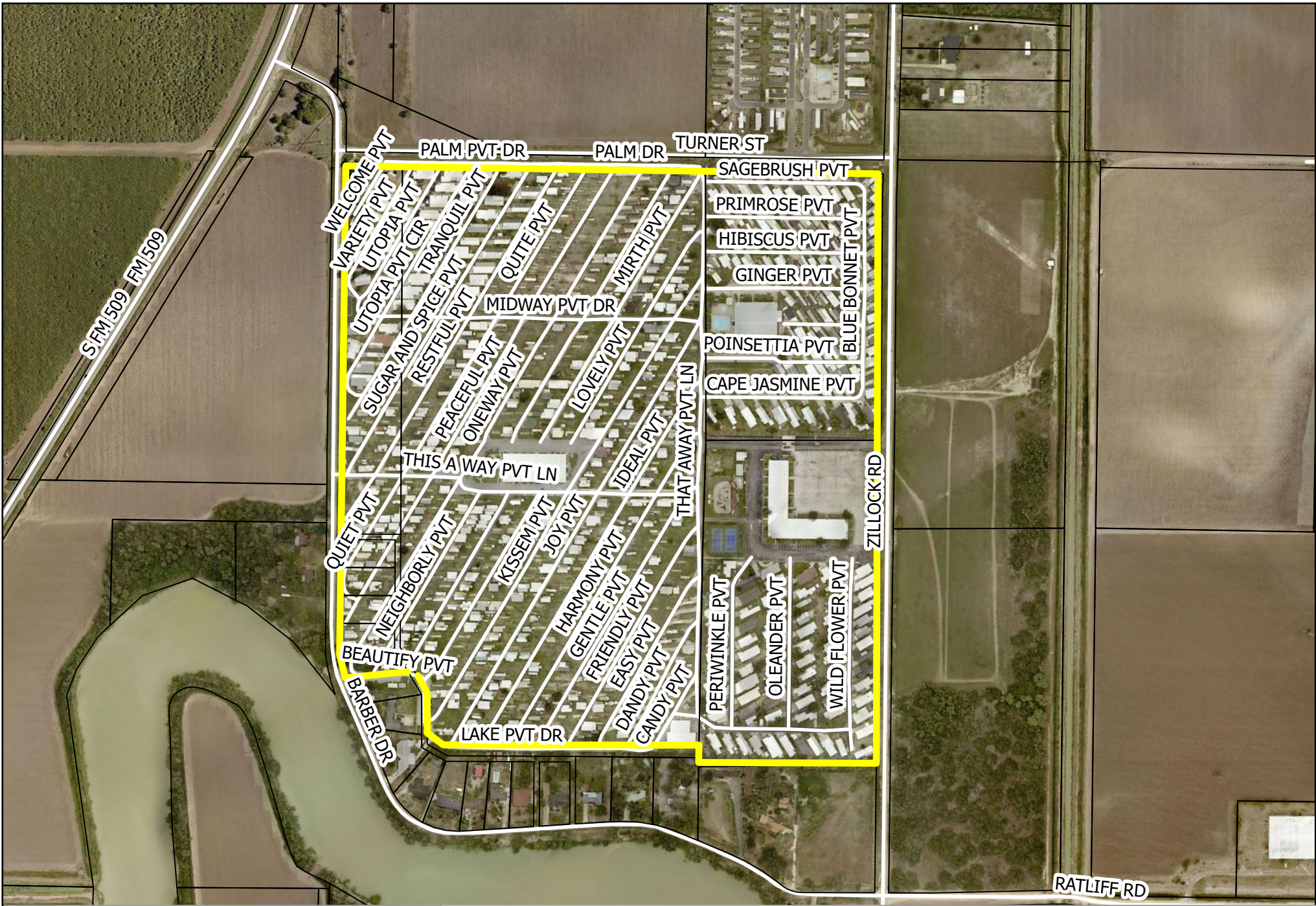
Print Name David Justice

Property Owner(s) Signature [REDACTED]

Date 1-5-26

Revised 10/9/25

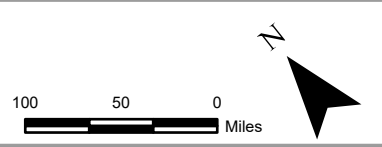
RECEIVED
DATE: 1-5-26
BY: [Signature]
JAN 13 2025



GIS Map Disclaimer:
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to verify the usability of the information. City of San Benito and software developers assume no legal responsibility for the information on these maps.

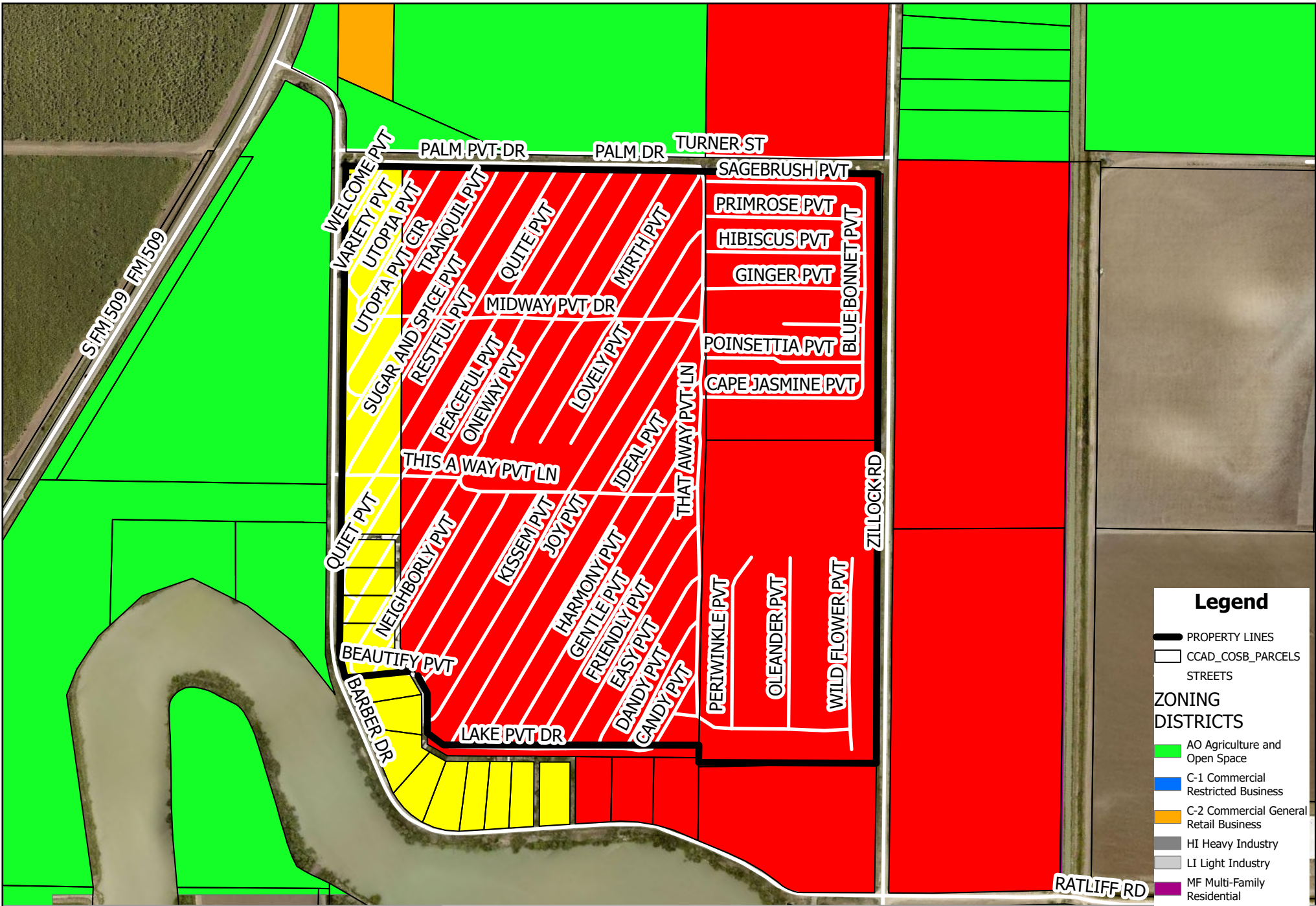
Drawn by: KC

**Location Map
1400 Zillock Rd. Lot Q19
Conditional Use Permit Storage Shed**



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS



Legend

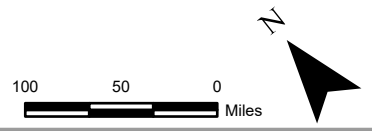
- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

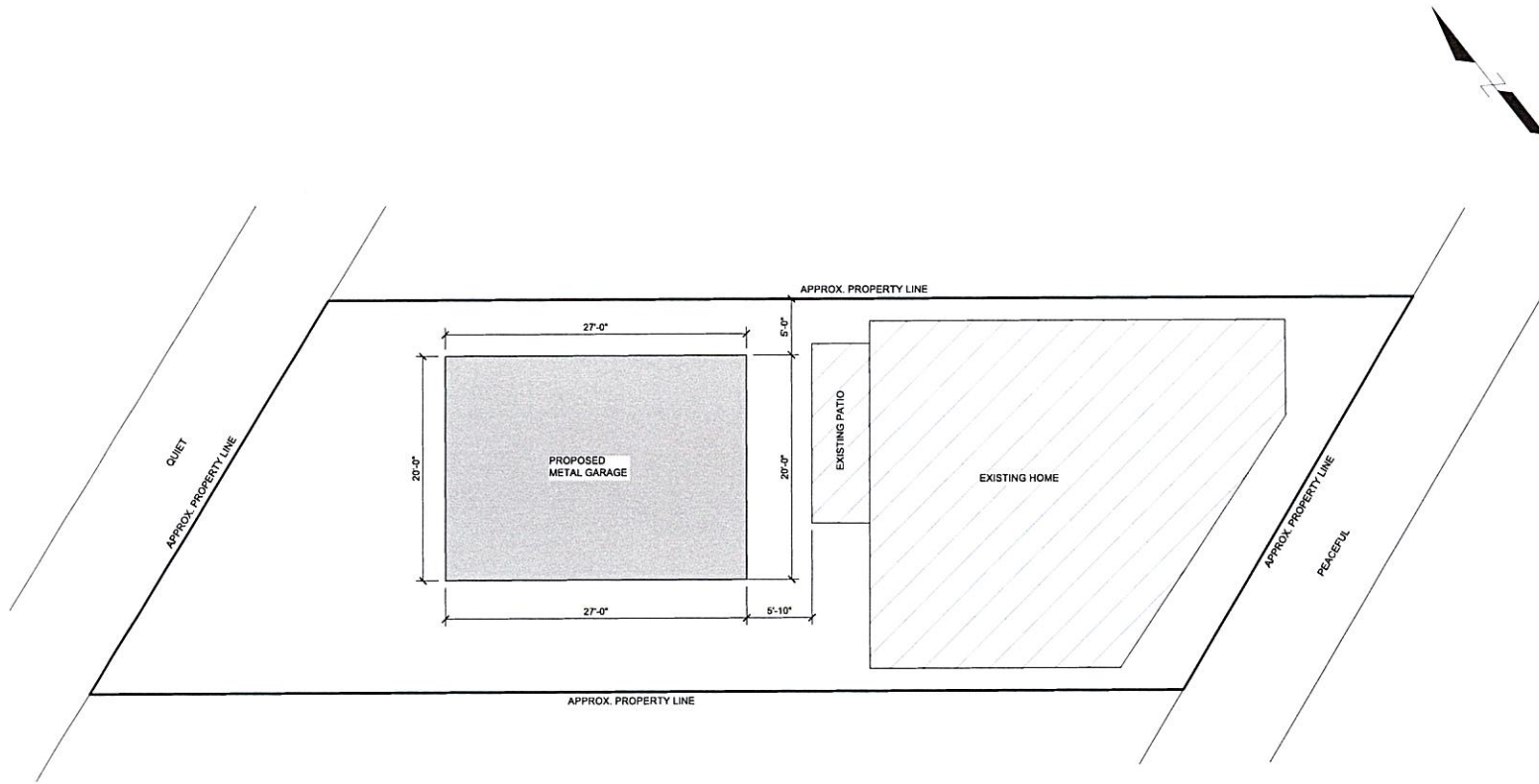
ZONING DISTRICTS

- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential

GIS Map Disclaimer:
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Zoning Map
1400 Zillock Rd. Lot Q19
Conditional Use Permit Storage Shed





1 PROPOSED SITE PLAN
SCALE: 1/32" = 1'-0"

NOTE:
SITE PLAN REFLECTS EXISTING SITE CONDITIONS DOCUMENTED BY SITE VISIT BY ENGINEER AND HIS REPRESENTATIVES.

CANOPY DIMENSION
LENGTH: 27 FEET
WIDTH: 20 FEET
FRONT PEAK HEIGHT: 13 FEET
BACK PEAK HEIGHT: 13 FEET

WALL HEIGHTS:
FRONT: 10 FEET
BACK: 10 FEET
SIDES: 10 FEET

FULCRUM
CONSULTING SERVICES
PLANNERS • ENGINEERS
TYPE FIRM No. F12369
P.O. BOX 530540
HOUSTON, TX 78553
PH: 956-797-3411
FAX: 956-797-3400



PROPOSED STRUCTURE
1400 ZILLOCK RD. LOT P18 & Q19,
SAN BENITO, TEXAS 78586

PROPOSED SITE PLAN

This drawing is and instrument of service and the ENGINEER will retain ownership and property interest therein. The OWNER may make and retain copies for information and reference, however, this drawing shall not be reused without written authorization by the ENGINEER.

SHEET
G001

FUN-N-SUN

ENCORE RV RESORTS

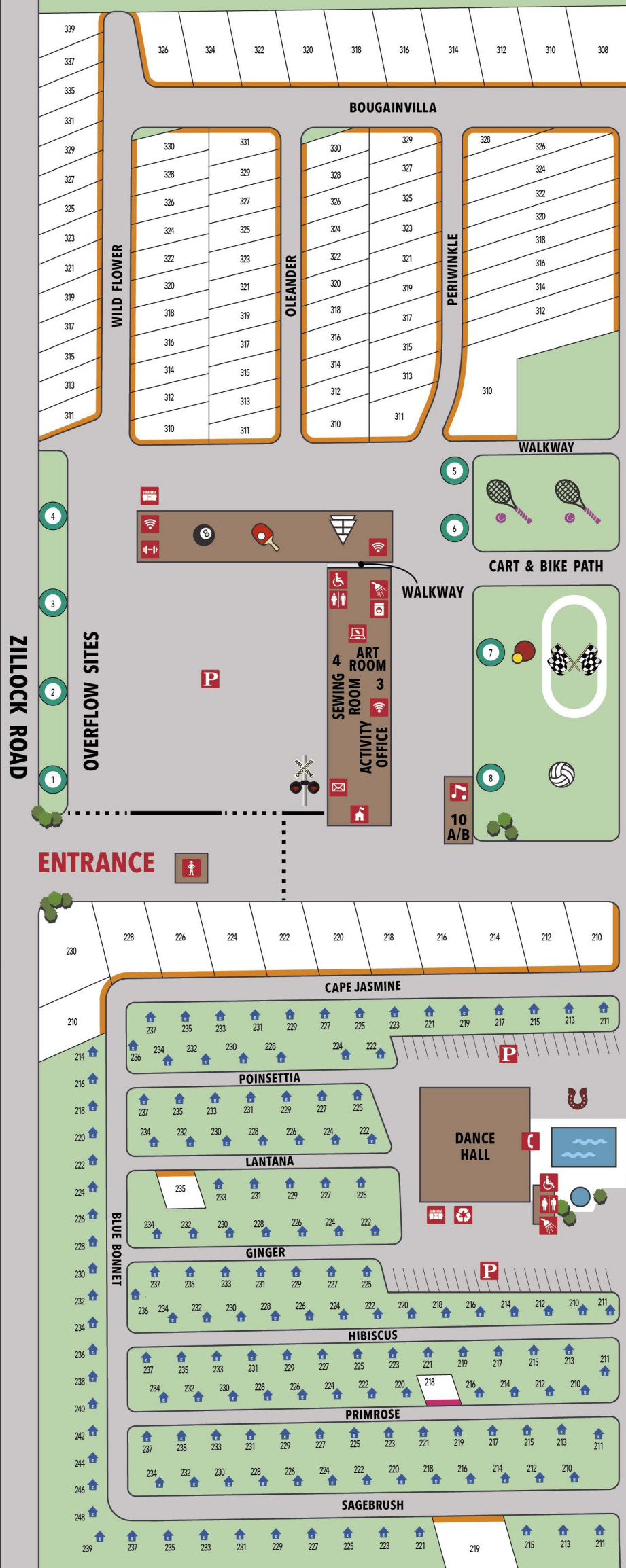
1400 Zillock Road
San Benito, Texas 78586

LEGEND

- RV Sites
- Manufactured Homes
- RV Supersites
- Overflow Sites
- Rentals
- Vacation Cottages
- Beauty Shop
- Book Exchange
- Computer Room
- Dumpster
- Emergency Telephone
- Fitness Center
- Free Wi-Fi Area
- Kitchen
- Laundry
- Music Room
- Office
- Parking
- Pedestrian Gate
- Post Office
- Recycle Bin
- Restrooms
- Ranger Station
- Showers
- Wheelchair Accessible Restroom
- Wood Working Shop
- Horseshoes
- Tennis Court
- Train Depot
- Swimming Pool
- Spa
- Shuffleboard
- Billiards
- Ping Pong
- Bocce Ball
- RC Track
- Volleyball
- Dog Walk
- Miniature Golf
- Dog Parks
- Barber Shop



FUN-N-SUN SPORTS COMPLEX
DRIVING RANGE • DRIVING CAGE,
SOFTBALL FIELD • RC PLANE RUNWAY



RESIDENTIAL USES

X	Permitted by Right
C	Conditional Use Permit Required
	Not Allowed

Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Single-Family Dwelling	X	X	X	X	X	X	X	X	X			X	C
Double Family Dwelling/ Duplex			X	X			X	X	X			X	C
Multi-Family Dwelling				X			X	X	X			X	C
Mobile Home					X							C	C
Recreational Vehicle Campground					X							C	C
Recreational Vehicle		*	*	*	X	*	*	*	*	*	*	C	C
Garden Home/Patio Homes		C	C	X	X	X	X	X				X	C
Townhouses		C	C	X			X	X				X	C
Condominium		C	C	X			X	X				X	C

* For Storage Purposes Only

School - Public	X	C	C	C	C			C	C	C	C	C	C
Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Screen Print/Embroidery Shop						X		X	X	X		X	C
Seamstress						X		X	X				
Sewage, Pump Station	X							X	X	X	X	X	
Sexually Oriented Business								C	C				
Shooting Range (Indoor)	C								C	X	X	C	C
Sign Painting Shop								X	X	X	X		
Smoke Shop								C	C				
Specialty Gift Shop						C		X	X				C
Stadium								C	X	X		C	C
Stationery Store						X		X	X				
Statuary (Manufacturing)	C									X	X	C	C
Statuary Sales								X	X	X		C	C
Storage Building <= 200 sq. ft.		X	X	X	X	X	X	X	X	X	X	X	C
Storage Building >= 200 sq. ft.		C	C	C	C	C	C	C	C	C	C	C	C
Studio - Music/Art						C		X	X				C
Swimming Pool		X	X	X	X	X	X	X	X	X	X	X	C
Tanning Salon								C	X			C	C
Tattoo Parlor								C	X			C	C
Taxi Company								X	X	X		C	C
Tennis/Swim Club		C	C	C	X	X	X	X	X	C		X	C
Tire Shop								X	X	X		X	C
Tortilla Factory							X	X	X	X	X	C	C
Tower	X				C	C	C		C	C	C		
Towing/Wrecker Service	C								C	C	X	C	C
Toy Store								X	X			C	C
Truck Stop	C							X	X	X	X	C	C
Upholstery Shop								X	X	X	X	C	C
Water Sales (Retail)								X	X	X		C	C



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve a request for a Conditional Use Permit to allow an Event Center (Dance Reception) with alcohol at a property located at 119 South Sam Houston Boulevard zoned C-1 “Commercial Restricted Business”, bearing a Legal Description of Being Lot Three (3), Block Thirty-Two (32), Original Townsite of San Benito, Cameron County, Texas according to Map recorded in Volume 2, Page 5, Official Records, Cameron County, Texas. Applicant: Yvonne Quintanilla.

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

RATIONALE:

The applicant is requesting approval of a Conditional Use Permit to operate an Event Center (Dance Reception) with alcohol. As indicated in the Land Use Chart, this type of use requires a Conditional Use Permit; therefore, it is necessary to obtain one to comply with city ordinance requirements.

BUDGET IMPACT:

N/A

RESOURCE PERSONNEL:

Monica Rodriguez, Planner I

EXHIBITS:

- Application
- Location Map
- Site Plan
- Zoning Map
- Land Use Chart

PREPARED BY: **Monica L. Rodriguez**

Planning Manager

03/11/2026

Date

Fred R. Sandoval

Fred Sandoval
City Manager



SAN BENITO

THE SOUL OF SOUTH TEXAS

400 N. Travis Street
San Benito, TX 78586

PLANNING DEPARTMENT CONDITIONAL USE PERMIT APPLICATION

(956) 361-3800 (ph.)
(956) 361-3810 (fax)

Permit # 074672

APPLICANT INFORMATION (Please PRINT or TYPE)

Name Yvonne Quintanilla

Address [REDACTED]

City San Benito State TEXAS Zip 78586

Phone No. [REDACTED] Fax No. _____

E-mail [REDACTED]

PROPERTY INFORMATION (Please PRINT or TYPE)

Owner of Property Yvonne Quintanilla

Address of Property 119 S. Sam Houston Blvd

City San Benito State TEXAS Zip 78586

Legal Description of Property: Lot 3 Block 32

Subdivision Original Townsite of San Benito

Existing Zoning _____ Existing Land Use _____

REQUIREMENTS

- ~\$250.00 (non-refundable)
- ~Site Plan (show scale, north arrow, property lines, location of streets, alleys, means of access, dimensions of existing/proposed structures, and parking plan)
- ~Tax Certificates (City, School)
- ~Warranty Deed

Please provide a basic description of the proposed project: event center
with alcohol consumption

I hereby certify that I have read and examined this application and know the same to be true and correct.
If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature [REDACTED]

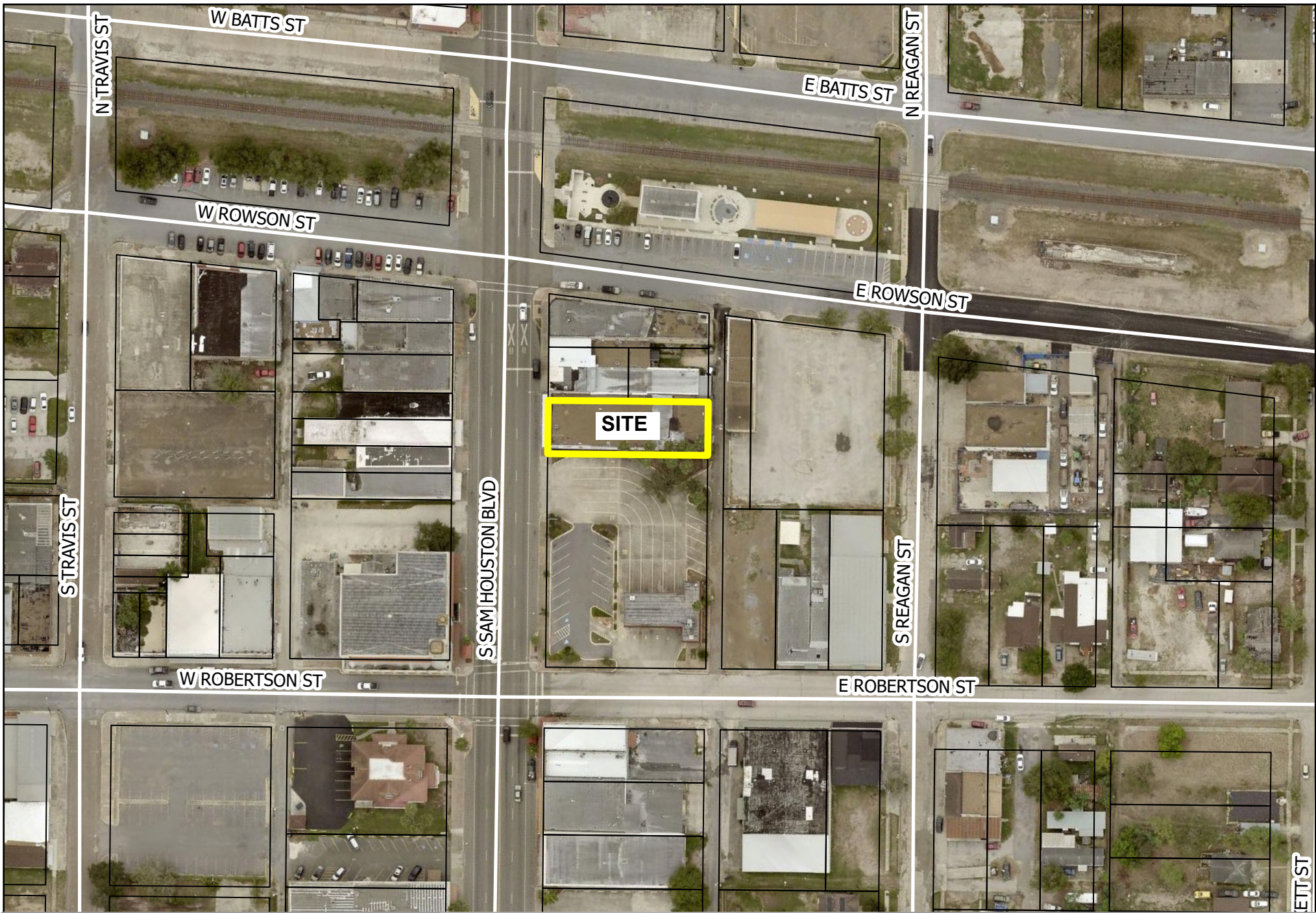
Print Name [REDACTED]

Property Owner(s) Signature [REDACTED]

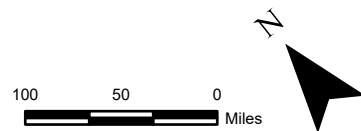
Date 1/26/2025

Date 1/26/2025

RECEIVED
DATE: FEB 02 2025



Location Map
119 S. Sam Houston Blvd.
Conditional Use Permit (Alcohol)

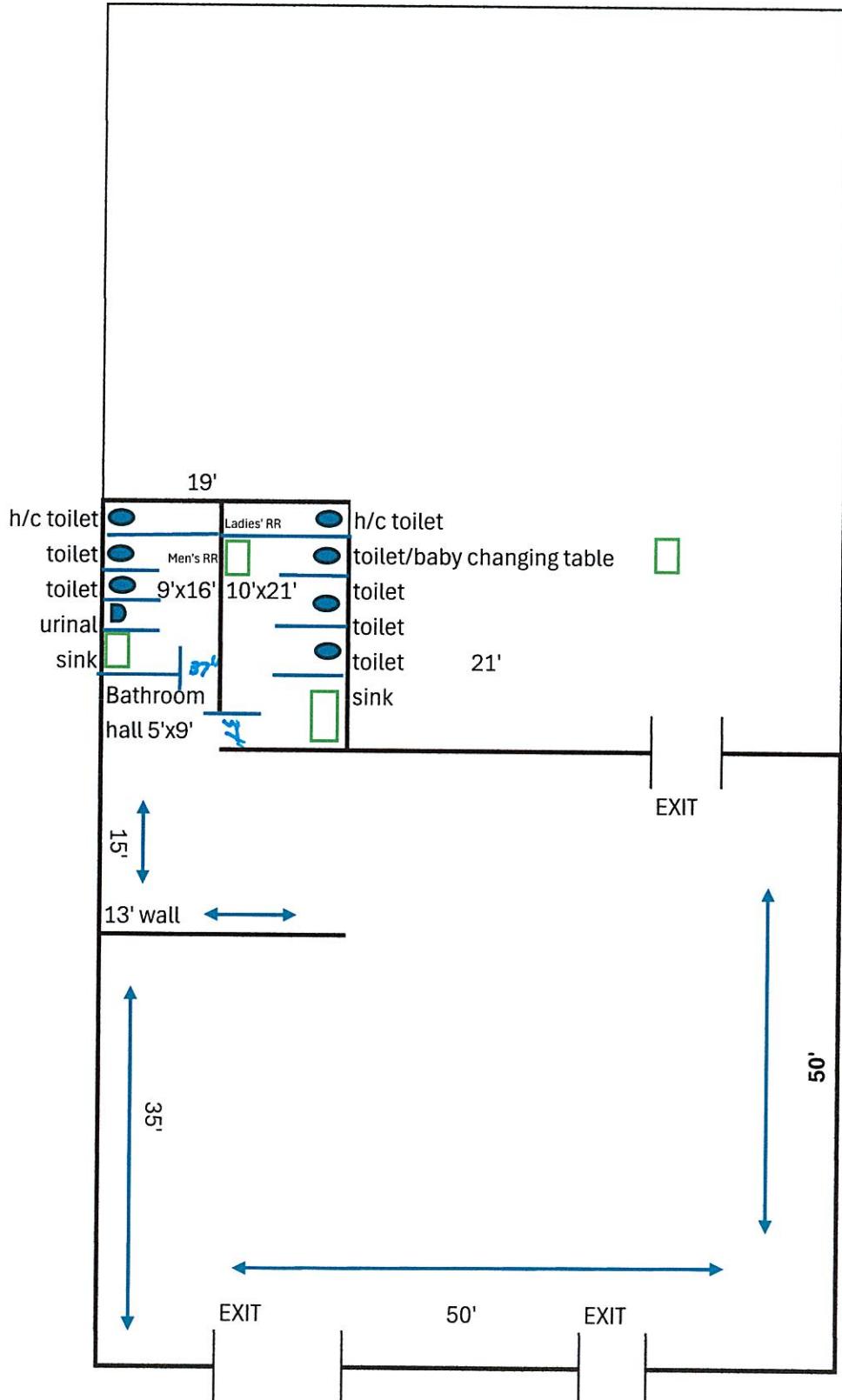


- Legend**
- PROPERTY LINES
 - CCAD_COSB_PARCELS
 - STREETS



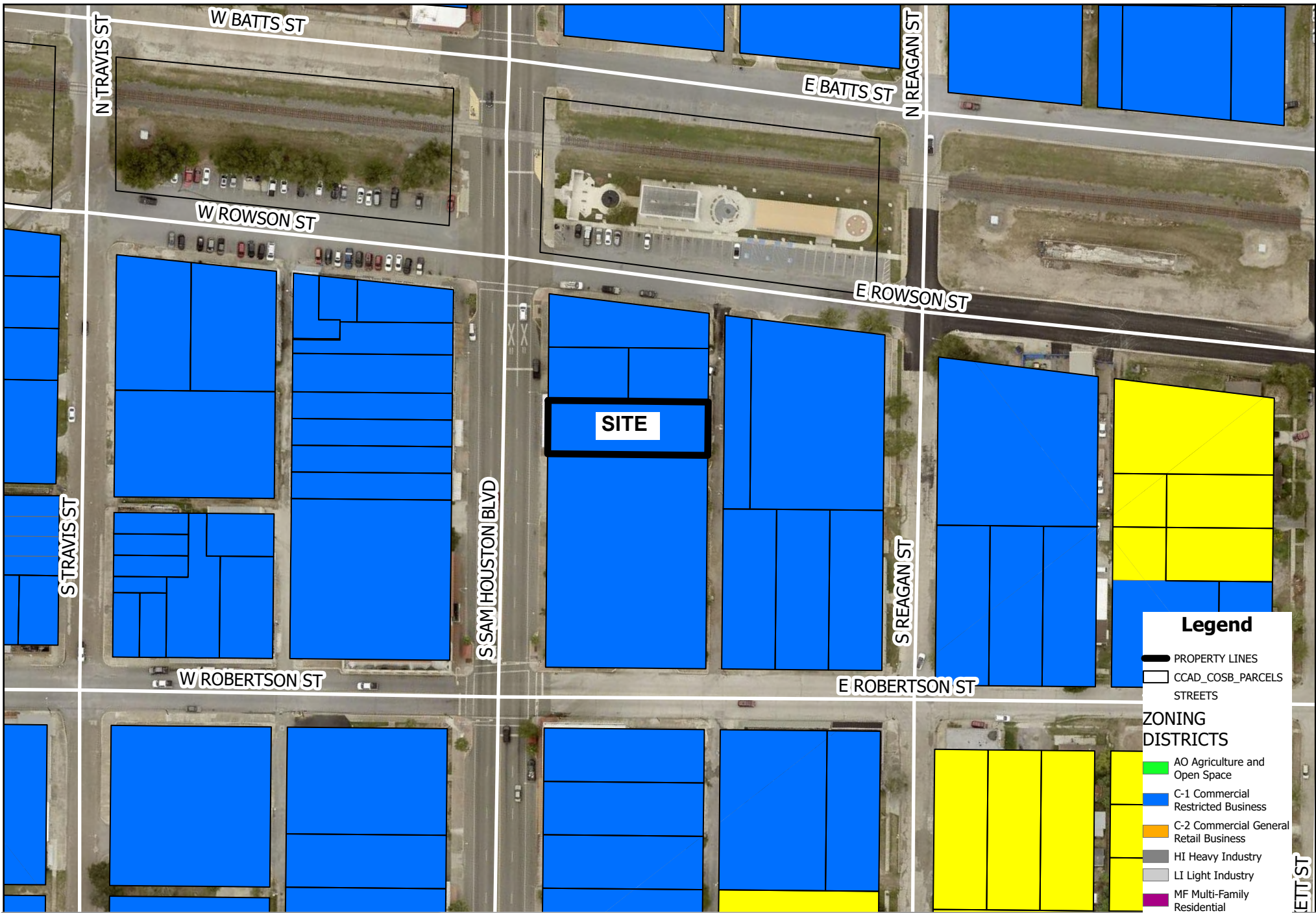
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Mi Tesoro Event Center



Venue 2899 Total Sq.Ft.
2500 Venue
399 Restrooms

RECEIVED
BY: UH DATE: FEB 02 2026



Legend

- PROPERTY LINES
- CCAD_COSB_PARCELS
- STREETS

ZONING DISTRICTS

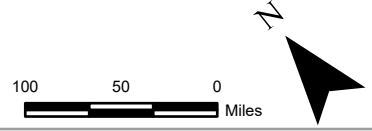
- AO Agriculture and Open Space
- C-1 Commercial Restricted Business
- C-2 Commercial General Retail Business
- HI Heavy Industry
- LI Light Industry
- MF Multi-Family Residential
- MH Mobile Home
- PDD Planned Development District
- SF-1 Single Family One
- SF-2 Duplex, Residential



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Drawn by: KC

Zoning Map
119 S. Sam Houston Blvd.
Conditional Use Permit (Alcohol)



RESIDENTIAL USES

X	Permitted by Right
C	Conditional Use Permit Required
	Not Allowed

Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Single-Family Dwelling	X	X	X	X	X	X	X	X	X			X	C
Double Family Dwelling/ Duplex			X	X			X	X	X			X	C
Multi-Family Dwelling				X			X	X	X			X	C
Mobile Home					X							C	C
Recreational Vehicle Campground					X							C	C
Recreational Vehicle		*	*	*	X	*	*	*	*	*	*	C	C
Garden Home/Patio Homes		C	C	X	X	X	X	X				X	C
Townhouses		C	C	X			X	X				X	C
Condominium		C	C	X			X	X				X	C

* For Storage Purposes Only

Zoning Classifications	A-O	SF-1	SF-2	MF	MH	OP	NS	C-1	C-2	LI	HI	PDD	C/P
Building Material Sales	C							X	X	X	X	C	C
Bus Terminal								X	X	X		C	C
Cabinet or Furniture Shop								X	X	X	X	C	C
Cafeteria						C	C	C	X			C	C
Call Center									X	X		X	C
Camera Store								X	X			C	C
Candy Store						C	X	X	X			C	C
Car Wash								X	X	X		C	C
Carpentry Shop								X	X	X	X	C	C
Cemetery/Mausoleum	C							C	C			C	C
Church	C	C	C	C	C	C	C	X	X			C	C
Cleaning, Dyeing Plant - Commercial									X	X	X	C	C
Clothing Store						C		X	X			C	C
College, University		C		C	X		X	X	X			X	
Commercial Amusement - Indoor								X	X	X	X	C	C
Commercial Amusement - Outdoor								C	C	C	X	C	C
Community Center		C	C	C	C		X	X	X	X		X	C
Concert Hall								C	C	C		C	C
Contractor, Air Condition									X	X	X	X	C
Contractor, Electric									X	X	X	X	C
Contractor, Plumbing									C	X	X	X	C
Convenience Store							C	X	X	X		C	C
Convenience Store w/Drive-Thru							C	X	X	C		C	C
Convent		C		X	X		X	X	X	X		X	
Country Club/Golf Course		X	X	X	X		X	X	X	X	X	X	C
Customized Training Center						C	X	X	X				
Dance Reception/ Recreation Hall (without alcoholic beverages)					X			X	X	X	X	X	C
Dance Reception/ Recreation Hall (with alcoholic beverages)					C			C	C	C	C	C	C
Day Care Center/Nursery (Adult or Child)							X	X	X	C		X	C
Delivery Service								X	X	X		C	C



EXECUTIVE SUMMARY

REQUEST:

Consideration or possible action to ratify Resolution Number 2026-0317-001(R), authorizing the Mayor or his designee to approve the application and acceptance of any Operation Lonestar Grant Number 5195203 that the Officer of the Governor issues for a period of performance of September 1, 2026, through August 31, 2027.

RECOMMENDATION:

The City Staff recommends approval.

RATIONALE:

This resolution is required to be signed and approved before applying for the Operation Lonestar Grant. This year the department applied for \$100,000 in grant funds for equipment and officer overtime. The grant is still in the review phase and has not been awarded.

BUDGET IMPACT:

None.

RESOURCE PERSONNEL:

EXHIBITS: Resolution 2026-0317-001(R)

PREPARED BY: Mario G. Perea
Chief of Police

03/11/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager

STATE OF TEXAS §
COUNTY OF CAMERON § RESOLUTION NUMBER 2026-0317-001(R)
CITY OF SAN BENITO §

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPROVE THE APPLICATION AND ACCEPTANCE OF ANY LOCAL OPERATION LONESTAR GRANT 5195203 THAT THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, ISSUES FOR THE PERIOD OF PERFROMANCE BEGINNING SEPTEMBER 1, 2026, AND ENDING AUGUST 31, 2027. (OPERATION LONSESTAR).

WHEREAS, the City of San Benito finds it in the best interest of the citizens of San Benito, Cameron County, Texas, that the Local Border Security Program be operated for the Fiscal Year 2026-2027; and

WHEREAS, the City of San Benito agrees to provide applicable matching funds for said project as required by the Office of the Governor grant application; and

WHEREAS, the City of San Benito agrees that in the event of loss or misuse of the Office of Governor funds, the City of San Benito assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of San Benito designates the Chief of Police or his designee as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

WHEREAS, the City of San Benito designates the City's Accounting Assistant as the grantee's financial officer. The financial officer is given the power to submit financial and/or programmatic reports or alter a grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Commission of the City of San Benito approves submission of the grant application for the Operation Lonestar Program to the Office of the Governor.

PASSED AND APPROVED by the City Commission of the City of San Benito, Texas at a Regular City Commission Meeting on this the 17th day of March 2026.

Grant Number: 5195203

CITY OF SAN BENITO, TEXAS





Honorable Ricardo Guerra
Mayor

ATTEST:



Ruth A. McGinnis
City Secretary



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to ratify the agreement with Carpe Nox Industries LLC for services rendered for the Hog Waddle Festival 2026 and authorize payment in the total amount of \$37,500.00.

RECOMMENDATION:

Staff recommends the ratification of the agreement with Carpe Nox Industries LLC for services rendered in connection with the Hog Waddle Festival 2026 and authorize payment in the amount of \$37,500.00.

Carpe Nox Industries LLC was contracted to plan, coordinate, and implement the Hog Waddle Festival scheduled for March 14, 2026, including securing musical talent, arranging full stage, sound, and lighting production, and managing hospitality, advancing, and event-day logistics. These contracted services are documented in the executed agreement.

Given that Carpe Nox Industries fulfilled its contractual obligations in coordinating the featured artist—Charley Crockett—and providing the services detailed in the contract, staff finds the expenditure appropriate and aligned with the approved event scope.

RATIONALE:

Carpe Nox Industries LLC serves as the City's authorized event coordinator for the Hog Waddle Festival and is responsible for all major operational components of the event, including securing musical talent, coordinating staging, sound, lighting, production crews, hospitality needs, and advancing activities for the full festival program. Under the terms of the agreement, Carpe Nox contracted directly with the headline performer, Charley Crockett, and assumes all obligations associated with that performance agreement.

BUDGET IMPACT:

The fiscal impact of this item is the payment of a fixed \$37,500 promoter fee to Carpe Nox Industries LLC for contracted Hog Waddle Festival services, to be funded from the City's Festivals/Events budget.

RESOURCE PERSONNEL:

Fred Sandoval, City Manager

EXHIBITS:

CarpeNox Entertainment Agreement 2026 Hog Waddle
SB-HogWaddle26-ProFee

PREPARED BY: Fred Sandoval
City Manager

03/11/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager



As a contracted consultant for the City of San Benito Hog Waddle Festival 2026 to be held on Saturday March 14th, 2026, Carpe Nox services include the following:

Carpe Nox Industries LLC will plan, coordinate, and implement the City’s Hog Waddle Festival to be held on Saturday March 14th, 2026, under the direction of the City Manager or his designees). The contract deliverables are as follows: 1.) Contract musical talent; 2.) Provide stage, sound and lights for musical talent. 3.) Contract the alcohol sales with valid TABC License for one day, returning a 25% revenue after expenses for the day, back to the City of San Benito.

To contract musical talent Carpe Nox LLC, with the City’s approval, will book band(s), contract and coordinate necessary production, which includes any and all of the following: food and beverage catering, talent rider requirements, generators, lighting, sound, stage and stagehands. In an effort to accommodate and work within the city’s budget, Carpe Nox LLC shall charge the customary promoter’s percentage fee of 15% to a fixed amount of \$37,500.00.

Carpe Nox Industries: Term Sheet Addendum

The following is a list of musical talent available for the selected date and City’s budget which consists of bands (listed below), stage, concert production and advancing the show with the tour manager.

Event – Charley Crockett : \$250,000.00

Saturday March 14, 2026 – Charley Crockett

– Advancing the show with the artist from production on the stage, 60x50, 24ft high roof, Sound & Lights 3 video walls - concert production, and hospitality, hotel rooms, meals, runners, stage hands, load-in, load-out

Roy Garcia -Carpe Nox Industries

City of San Benito Mayor – Rick Guerra

Carpe Nox Industries LLC

Rogelio Garcia DBA Carpe Nox Industries LLC
 Contractual Sevices
 1313 E Cynthia Lane
 Pharr TX, 78577
 Tax ID: 80-570152-3
 IBC - International Bank of Commerce
 1200 San Bernardo Ave Laredo, TX 78040
 Routing # 114902528
[Account #: 2515836526](#)

Invoice No. HogWaddle-2026 - HW1-0003
 Invoice Date: March 10, 2026
 Bill To: Hog Waddle 26-Promoter Fee
 City of San Benito
 Address: 401 N Sam Houston Boulevard
 San Benito, TX 78586
 Phone: (956) 361-3800
 E-mail:
 Fax:

Description	Units	Cost Per Unit	Amount
Contract Musical Talent, Concert Production, and Rentals for oversight for San Benito Hog Waddle Festival			
- Advertising - EventBright Management			
		Amount Paid	Amount Due
- Charley Crockett - 90min set		\$250,000.00	
- Artwork / Poster / Billboards			
- Hard Copy Tickets - Comp - Sell - Wristbands - Laminates			
- Advertising KTEX			
- Advancing Producitn with Produciton company and sound engineer			
- Advancing the show with Tour Manager			
- Settlement with day of show Tour Mangager			
- Advancing the show with Merch			
- Advancing the show with Hospitality and Hotel Rooms			
- Stage Hands - Loadin and Loadout			
- Advancing the show with 4 runners and 4 SUV's all day			
Promoter Fee 15%			\$37,500.00

Invoice Subtotal	\$	37,500.00
Tax Rate		8.25%
Sales Tax		Tax Exempt
Other		
Deposit Received		-
TOTAL	\$	37,500.00



EXECUTIVE SUMMARY

REQUEST:

Consideration and possible action to approve the purchase of one tractor trailer from Doggett Freightliner of South Texas, LLC for the Public Works Department in the amount of \$37,900.00.

RECOMMENDATION:

Staff recommends approval.

RATIONALE:

The purchase of a tractor trailer for the Public Works Department will allow the City to efficiently transport heavy machinery and equipment from the City shop to various job sites. Having a tractor trailer will improve efficiency, reduce delays, and allow Public Works crews to respond more quickly to maintenance, repair, and emergency needs throughout the city.

BUDGET IMPACT:

\$37,900.00- Account# 01-5-1000-010

RESOURCE PERSONNEL:

Edward Enriquez, Director of Administrative Services

EXHIBITS:

Doggett Quote
Freightliner Details
580323-06
580323-08
580323-09
CSM Truck Quote
Kearney New England Quote
Rush Enterprises Quote

PREPARED BY: Edward Enriquez

Director of Administrative Services

03/11/2026
Date

Fred R. Sandoval

Fred Sandoval
City Manager



Doggett Freightliner of South Texas, LLC
 3103 N. CAGE BLVD.
 PHARR TX 78109
 (956) 782-8202

QUOTE

Contract Date: _____
 Deal #: **DE-15570**
 Customer #: **64610**
 Salesperson: **Emilio Anaya**

Bill To: **64610**
CITY OF SAN BENITO
 925 W STENGER
 SAN BENITO TX 78586
 P:() -

Ship To:
CITY OF SAN BENITO
 925 W STENGER
 SAN BENITO, TX 78586

Stock#: 580323	Used 2020 FREIGHTLINER CASCADIA 126	Price:	\$37,900.00
Body Type: TRACTOR TR	Color: WHITE ELITE EY	Odometer: 458670	Transmission: DT12
VIN: 3AKJHLDV2LSLG9555			
Total			\$37,900.00

This agreement and any documents which are part of this transaction or incorporated herein comprise the entire agreement affecting this Retail Purchase Agreement and no other agreement or understanding of any nature concerning the same has been made or entered into or will be recognized. I have read and accept all of the terms and conditions of this Agreement, and agree to them as if they were printed above my signature. I further acknowledge receipt of a copy of this Agreement. This Agreement shall not become binding until signed and accepted by an Authorized Dealership Representative.

_____ Date
 Purchaser's Signature

_____ Date
 Co-Purchaser's Signature

Emilio Anaya
 Sales Representative

_____ Date
 Manager's Signature

PURCHASE AGREEMENT:

ADDITIONAL TERMS AND CONDITIONS

READ CAREFULLY AS THESE TERMS CONTAINS INDEMNIFICATION REQUIREMENTS AND LIMITATIONS OF LIABILITY

1. Definitions. As used in this Order the terms (a) "Dealer" shall mean the authorized Dealer to whom this Order is addressed and who shall become a party hereto by its acceptance hereof, (b) "Purchaser" shall mean the party executing this Order as such on the face hereof, and (c) Manufacturer shall mean the Corporation that manufactured the vehicle or chassis, it being understood by Purchaser and Dealer that Dealer is in no respect the agent of Manufacturer, that Dealer and Purchaser are the sole parties to this Order and that reference to Manufacturer herein is for the purpose of explaining generally that Dealer does not manufacture motor vehicles and that certain contractual relationships exist between Dealer and Manufacturer with respect to new motor vehicles.

2. Governing Terms. These Terms and Conditions shall govern the sale of motor vehicles ("Purchased Unit(s)") by Dealer to Purchaser. Dealer's performance and prices are expressly conditioned on these terms and conditions. This document shall be the final, complete, and exclusive agreement between the parties and may not be modified, amended, supplemented, explained, or waived by parol evidence, Purchaser's purchase order, a course of dealings, custom or trade usage, prior representations, Dealer's performance or delivery, Dealer's catalogs, circulars or other promotional material, or in any other way except in writing signed by Dealer's Authorized Representative. Dealer's Authorized Representative shall mean Dealer's Vice-President, General Counsel, Chief Financial Officer, or President.

3. Completion of Purchase. Purchaser agrees to complete one of the following, and agrees that despite delivery of the Purchased Unit(s) to Purchaser, title to the Purchased Unit(s) shall remain with Dealer until Purchaser completes one of the following: (1) pay the balance due, as shown on this Order, in cash or (2) execute a Time Sales Agreement (Retail Installment Contract), (3) execute a Loan Agreement for the purchase price of the Purchased Unit(s) plus additional charges shown herein, or (4) execute a lease agreement, on or before delivery of the Purchased Unit(s). Purchaser and Dealer agree that this Order is not a security agreement and that delivery of the Purchased Unit(s) to the Purchaser pursuant to this Order will not constitute possession of the Purchased Unit(s) by the Purchaser, as a debtor, for the purposes of the purchase money security provisions in any statutes relating to personal property security or its equivalent. Purchaser understands that its rights in connection with this purchase are limited as set forth in this Order.

a Failure to Complete Purchase. In the event the Purchaser fails to complete the buying of the Purchased Unit(s) within thirty (30) days of the date such Purchased Unit(s) are ready for delivery, Purchaser agrees to pay interest on the outstanding balance at a rate equal to the Prime Rate plus one percent (Prime + 1%) per annum. For purposes of this Order, the "Prime Rate" shall mean the rate publicly announced from time to time by the Wall Street Journal as the "Prime Rate," or any successor rate thereto. Interest shall accrue daily on the outstanding balance, from the thirty-first (31st) day after the date the Purchased Unit(s) are ready for delivery and shall be compounded monthly until the full outstanding balance is paid. In addition to the interest charges described herein, Purchaser shall be responsible for any Storage Charges, as defined herein, incurred as a result of delayed payment, which shall also accrue daily and be payable by Purchaser upon demand. The interest and Storage Charges shall be added to the total amount due and become part of the outstanding balance until fully paid.

4. Pricing Increases. From time to time, external factors beyond the Dealer's control may impact the cost of goods and services. In such cases, certain price increases may be necessary and passed through to the Purchaser.

a Manufacturer Surcharges. Manufacturer has reserved the right to change the price to Dealer of new motor vehicles without notice. In the event the price to Dealer of new motor vehicles of the series and body type ordered hereunder is changed by Manufacturer prior to delivery of the Purchased Unit(s) ordered hereunder to Purchaser, Dealer reserves the right to change the cash delivered price (or any other pricing) of such motor vehicle to Purchaser accordingly. If such cash delivered price (or any other pricing) is increased by Dealer by ten percent (10%) or more, if in the event the Manufacturer allows for cancellation of an order, that same right or option will be passed along to Purchaser. Purchaser's sole remedy is to cancel this Order, in which event if a used motor vehicle has been traded in as a part of the consideration for such new Purchased Unit(s), such used motor vehicle shall be returned to Purchaser upon payment by Purchaser to Dealer of all storage and repair cost incurred or, if such used motor vehicle has been previously sold by Dealer, the amount received for such sale by Dealer, less a selling commission of fifteen percent (15%) and any cost or expense incurred in storing, repairing, insuring, conditioning or advertising said used motor vehicle for sale, shall be returned to Purchaser. **Purchaser waives all other claims for any damages resulting from a manufacturer's change in pricing and/or a related cancellation.**

b Tariff, Duties and Regulatory Price Increases. The Purchaser acknowledges and agrees that all purchases of goods and services from Dealer are subject to applicable tariffs, duties, taxes, and other government-imposed fees (collectively, "Tariffs"). These Tariffs may be imposed at the time of importation, at the time of sale, or at any later stage of the transaction as determined by the applicable authorities. Unless otherwise expressly agreed in writing by Dealer, the Purchaser assumes full responsibility for all Tariffs and associated costs, including but not limited to: (a) Direct tariff costs imposed on imported goods, and/or (b) Additional costs resulting from regulatory changes or trade restrictions. Dealer reserves the right to adjust pricing at any time to reflect changes in Tariffs, duties, or other regulatory costs, even after an order is placed but before delivery is completed. If any new or increased Tariffs are enacted after the date of sale but before physical delivery to the Dealer, the Purchaser shall be responsible for any resulting price adjustments. Dealer shall not be liable for any losses, damages, or delays arising from changes in governmental trade policies, the enactment of new Tariffs, or modifications to existing import/export regulations. Purchaser waives any right to claim damages or seek contract modifications based on changes in trade law, tariffs, or other related regulatory measures.

5. Trade-In Reappraisal and Compliance. If a used motor vehicle(s) which has been traded in as a part of the consideration for the motor vehicle ordered hereunder (such traded vehicle being a ("Trade In(s)")) is not to be delivered to Dealer until delivery to Purchaser of such Purchased Unit(s), the Trade In(s) shall be reappraised at that time and such reappraised value shall determine the allowance to be made for such Trade In(s). If such reappraised value is lower than the original allowance shown on the front of this Order, Purchaser may, if dissatisfied therewith, cancel only the trade; however, Purchaser shall nevertheless remain fully liable for the purchase of the Purchased Unit(s). Additionally, Dealer shall not be obligated to accept any Trade In(s) from Purchaser which are not reflected on this Order. In the event that Purchaser offers Trade Ins not reflected on this Order, Dealer shall have no obligation whatsoever to accept any such Trade Ins and Purchaser shall remain fully responsible for all obligations of Purchaser as set forth in this Order. The Purchaser is required to sign Exhibit B, which details the Trade Terms and Conditions, and will be incorporated herein by reference as if written in full. Any exceptions to the Trade Terms and Conditions must be specifically noted and the Purchaser will be responsible for any expenses or sale price adjustments necessary to complete the transaction.

a Trade-In Title Evidence and Warranties. The Purchaser agrees to deliver evidence satisfactory to Dealer of title to any Trade In(s) as a part of the consideration for the Purchased Unit(s) ordered hereunder in advance but in no case later than at the time of delivery of such Trade In(s) to Dealer. Purchaser warrants any such Trade In(s) to be owned wholly by Purchaser free and clear of all liens and encumbrances except as otherwise noted herein and deemed acceptable by Dealer. Purchaser further warrants that for any Trade In, the Exhaust Emission System or any of its components have not been deleted, removed, or altered in any way from its factory-built state and that each Trade In will meet the emission standard in place as of the manufacture date. Purchaser understands that Dealer is relying on Purchaser's statement as a material representation, and **thus Purchaser hereby agrees to re-purchase the unit from Dealer and pay all related fees, as well as, to indemnify, defend and hold harmless Dealer from all damages, expenses, fees and costs (including attorney's fees) that Dealer incurs in the event that this representation is inaccurate or untrue.**

6. Delivery and Risk of Loss. Unless otherwise specified in writing by the Dealer, Dealer shall make the Purchased Unit(s) available to Purchaser's nominated carrier at Dealer's designated place of business, with all costs related to shipping, including packaging/crating, freight, duties, insurance, and other related costs borne by Purchaser. Purchaser must inform Dealer of the intended delivery and funding timeline for the Purchased Equipment. Dealer may, but shall be under no obligation to, upon mutual written agreement of Purchaser and Dealer, arrange transportation for the Purchased Unit(s) on Purchaser's behalf, provided, however, Purchaser shall remain solely responsible for all related costs and must prepay all such costs prior to shipment of the Purchased Unit(s). Title to and risk of loss of the Purchased Unit(s) shall transfer to Purchaser from the moment the Purchased Unit(s) are delivered to the carrier, whether Purchaser arranged transportation on its own or whether Dealer assisted with the arrangements. In either case, Dealer's responsibility for damaged Purchased Unit(s) ceases upon acceptance by the carrier and all claims for loss or damage occurring after acceptance by the carrier must be filed by Purchaser with the carrier. Dealer shall not be liable for any delays, loss or damage in transit. The Purchased Unit(s) will be delivered within a reasonable time after an order is accepted, subject to availability of the ordered Purchased Unit(s). Dealer reserves the right to make delivery in installments, and all such installments, when separately invoiced, shall be paid for when due per Dealer's invoice, without regard to subsequent deliveries. Delay in delivery of any installment shall not relieve Purchaser of its obligation to accept remaining deliveries. If, and to the extent, any Purchased Unit(s) purchased hereunder are not available for delivery to Purchaser due to any third party's failure to deliver the Purchased Unit(s) to Dealer, Dealer shall promptly refund any amounts deposited or paid for such Purchased Unit(s) by Purchaser and may cancel the order for such Purchased Unit(s), and such refund shall be Purchaser's sole remedy with respect to Dealer's failure to deliver such Purchased Unit(s).

a Failure to Accept Delivery; Remedies and Restocking Fees. Unless this Order has been cancelled by Purchaser in accordance with the terms of this Agreement, Dealer shall have the right upon failure or refusal of Purchaser to accept delivery of the Purchased Unit(s) ordered in accordance with the terms herein, to seek all remedies provided to Dealer by law (including specific performance), in addition to Dealer's attorneys' fees and costs and expert fees. In addition, Dealer may assess Purchaser a restocking fee of twenty percent (20%) of the Purchased Unit(s) sales price which shall be due immediately. Additionally, in the event a Trade In(s) has been delivered to Dealer, such Trade In(s) may be sold by Dealer, and the proceeds of any such sale may then be used to reimburse Dealer for any payments due to Dealer (or any damages incurred by Dealer, if applicable).

b Design Changes. Manufacturer has reserved the right to change the design of any new motor vehicle, chassis, accessories or parts thereof at any time without notice and without obligation to make the same or any similar change upon any motor vehicle, chassis, accessories or parts thereof previously purchased by or shipped to Dealer or being manufactured or sold in accordance with Dealer's orders. Correspondingly, in the event of any such change by Manufacturer, Dealer shall have the option, but no obligation to Purchaser, to make the same or any similar change in any motor vehicle, chassis, accessories or parts thereof covered by this Order either before or subsequent to delivery thereof to Purchaser.

c Delivery Delays. Dealer shall not be liable for failure to deliver or for any delay in delivering the Purchased Unit(s) covered by this Order where such failure or delay is due, in whole or in part, to any cause beyond the reasonable control of Dealer and which is not due solely to the willful misconduct of Dealer, including but not limited to situations where the manufacturer

fails to timely deliver the Purchased Unit(s) due to supply chain constraints or otherwise, which situations Purchaser expressly acknowledges are beyond Dealer's reasonable control. Any such delays not caused solely by Dealer's willful misconduct shall affect a corresponding extension of Dealer's performance dates which are, in any event, understood to be approximate. If acts or omissions of Purchaser delay Dealer's performance, Purchaser shall reimburse Dealer for any increased costs or expenses resulting therefrom and extend the time of performance.

d Storage Charges. In the event that Purchaser fails to take possession of the vehicle within the agreed-upon timeframe following the delivery of the Unit to Dealer or completion of any body building and upfitting, the Purchaser shall be liable for daily storage charges. The daily storage charge shall be assessed at a rate equal to the prevailing Secured Overnight Financing Rate (SOFR) plus an additional three percent (3%). The applicable SOFR rate shall be determined based on the most recent data published by the Federal Reserve Bank of New York as of the date of assessment. The daily storage charge shall be calculated as follows: Daily Storage Charge=SOFR Rate+3%. Dealer shall provide the Purchaser with a separate monthly invoice of the total storage charges incurred. All accrued storage charges shall be due and payable immediately upon receipt of the invoice issued by Dealer.

e Body Building and Upfitting. Upon the issuance of a chassis order to a Body Builder, any subsequent increases in price, whether arising from materials, labor, or additional fees, shall be promptly communicated to the Purchaser, who acknowledges and agrees to be responsible for all resulting financial obligations. Purchaser further agrees to be bound by the body building and upfitting terms set forth in Exhibit C, which will be incorporated herein by reference as if written in full, and to accept and remit payment for any adjustments as stipulated by Dealer.

7. LIMITATION OF LIABILITY. PURCHASER AGREES THAT IN NO EVENT SHALL DEALER BE LIABLE FOR ANY DAMAGES RELATED TO: LOSS OF USE OF THE PURCHASED VEHICLE(S), LOSS OF TIME, REPLACEMENT OR RENTAL VEHICLES, LODGING, OR ANY OTHER INCIDENTAL, RESERVOIR, SPECIAL, INDIRECT, CONSEQUENTIAL OR EXEMPLARY DAMAGES FOR LATE PERFORMANCE OR FAILURE TO PERFORM WHETHER IN CONTRACT, TORT, STRICT LIABILITY, OR ANY OTHER LEGAL THEORY, AND REGARDLESS OF WHETHER DEALER HAS BEEN ADVISED OF SUCH DAMAGES. ADDITIONALLY, NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, IN NO EVENT SHALL DEALER'S LIABILITY TO PURCHASER EXCEED THE PURCHASE PRICE OF THE PURCHASED VEHICLE(S) REGARDLESS OF LEGAL THEORY UPON WHICH DEALER'S ALLEGED LIABILITY IS BASED (WHETHER SOUNDING IN TORT, CONTRACT, OR OTHERWISE).

8. Taxes and Other Charges. The price for the Purchased Unit(s) specified on the face of this agreement does not include federal excise taxes, sales taxes, use taxes, or occupational taxes based on sales volume (Federal, State, or Local) unless expressly so stated. Purchaser assumes and agrees to pay, unless prohibited by law, any such excise, sales, use, or occupational taxes imposed on or applicable to the transaction covered by this Order, regardless of which party may have primary tax liability thereof. Dealer will accept a valid sales or use tax exemption certificate from Purchaser; however, if a previously accepted sales or use tax exemption certificate is ultimately disallowed by the applicable taxing agency for any reason, Purchaser agrees to immediately reimburse Dealer for any resulting taxes, penalties, and interest incurred by Dealer. Purchaser shall obtain and pay all permits, licenses and official inspections required other than those required to be obtained in the name of Dealer.

9. Security Interest. Purchaser grants Dealer a purchase money security interest in the Purchased Unit(s) as security for Purchaser's obligation to pay the purchase price, and Purchaser agrees to execute a financing statement or other instrument required to perfect such security interest. In the event that Purchaser fails or refuses to execute a required document, Purchaser hereby appoints Dealer as its attorney-in-fact, coupled with an interest to execute the name on Purchaser's behalf and in Purchaser's stead.

10. Financing. In the event Purchaser seeks to obtain financing to acquire a vehicle named on this Order, Purchaser represents that all statements made in the Purchaser's credit application, finance contracts and all information provided to Dealer and/or to the finance company are true and correct. Any misrepresentation by Purchaser in any of the aforementioned documents entitles Dealer to cancel this Agreement and Dealer shall be entitled to any damages incurred as a result. Should Purchaser or any finance company fail to tender the full contract price to Dealer, Dealer may cancel this Agreement. In the event of a misrepresentation by Purchaser or the full purchase price has not been tendered to Dealer in a prompt manner, Purchaser agrees to immediately return the vehicle and to reimburse Dealer for all costs and expenses incurred by Dealer as a result, including any mileage and/or restocking charge. Purchaser agrees to fully indemnify Dealer for any damages incurred by Dealer as a result of any misrepresentations or omissions made by Purchaser.

11. Disclaimers of Warranties. DEALER MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, WARRANTY AGAINST INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS OF A THIRD PARTY OR ANY OTHER MATTER WITH RESPECT TO THE EQUIPMENT OR SERVICES. Purchaser acknowledges and agrees that Dealer did not manufacture and therefore makes no implied or express warranty with regard to the Purchased Unit(s) and any service work or make-ready work shall not create any warranty of any nature whatsoever with respect to the Purchased Unit(s). Additionally, Purchaser agrees to use the Purchased Unit(s) and/or chassis at Purchaser's own risk and hereby releases Dealer, its principals, officers, directors, shareholders, members, agents, employees, successors and assigns, from any and all claims for any damages or injuries of any nature whatsoever to the full extent permitted by law. Any affirmation of fact or promises made by Dealer or its employees or representatives shall not be deemed to create an express warranty that the Purchased Unit(s) or Services shall conform to such affirmation or promise. Any descriptions, samples, and specifications with respect to Purchased Unit(s) or Services offered for sale herein are not warranted by Dealer to be accurate or complete. If a model or sample was shown to Purchaser, such model or sample was used merely to illustrate the general type and quality of Purchased Unit(s) sold by Dealer and not to represent that the Purchased Unit(s) would necessarily conform to such model or sample. Any description is for the sole purpose of identifying the Purchased Unit(s) and no affirmation, promise, description, sample or model shall be deemed part of the bargain. DEALER STRONGLY RECOMMENDS THAT PURCHASER CONDUCT AN ON-SITE INSPECTION OF THE PURCHASED UNIT(S) SOLD HEREUNDER PRIOR TO PURCHASE. DEALER SHALL NOT BE RESPONSIBLE FOR THE CONSEQUENCES OF PURCHASER'S FAILURE TO INSPECT THE PURCHASED UNIT(S) OR FOR ANY INACCURACIES, INSUFFICIENCIES, OR OMISSIONS IN SUCH DESCRIPTION

a New Units. There are no warranties, expressed or implied, made by the Dealer herein, or the Manufacturer, on the vehicle or chassis described on the face hereof except in the case of a new vehicle or chassis and as provided exclusively by the Manufacturer. The printed new vehicle warranty issued by Manufacturer (and not Dealer) delivered to Purchaser with such vehicle or chassis is the only warranty applicable to such new vehicle or chassis and is expressly in lieu of all other warranties, expressed or implied including any implied warranty of merchantability or fitness for a particular purpose. With respect to any new motor vehicle(s) sold under this order, Purchaser acknowledges that Dealer is relying on Purchaser's representation that Purchaser is the intended owner/end-user of the motor vehicle(s). Accordingly, Purchaser agrees that as a condition of the sale, Purchaser will retain ownership of the motor vehicle(s) and hold title in Purchaser's name for a minimum of twelve (12) months from the date of sale. Purchaser further agrees and acknowledges that if Purchaser breaches this provision and Dealer incurs expenses, penalties, and/or chargebacks from the manufacturer as a result, Purchaser will be liable to Dealer for the amount of such expenses, penalties, and/or chargebacks.

b Used Units. In the case of a used vehicle or chassis, the applicability of an existing manufacturer's warranty thereon, if any, shall be determined solely by the terms of such warranty and not by Dealer. Any used motor vehicle sold to Purchaser by Dealer must be inspected and investigated by Purchaser as all such sales are deemed "AS IS" and "WITH ALL FAULTS" at the time of delivery by Dealer without any guarantee or warranty of any nature, expressed or implied (including no warranty that the odometer reading on the Purchased Unit(s) represents the actual mileage traveled) or any implied warranty of merchantability or fitness for a particular purpose, as to its condition or the condition of any part thereof except as may be otherwise specifically provided in writing on the face of this order or in a separate writing furnished to Purchaser by Dealer. Purchaser agrees that Dealer has made no representation, and that Purchaser has not relied on any representations made by Dealer but rather is relying on its own investigation and inspection of the Purchased Unit(s).

12. Inspection; Documentation. The Purchaser, before or at the time of delivery of the motor vehicle covered by this Order will execute such other forms of agreement or documents as may be required by the terms and conditions of payment indicated on the front of this Order.

13. Waiver; Severability. No waiver of any term of this Order shall be valid unless it is in writing and signed by Dealer's authorized representative, notwithstanding any delays. If any provision or part of any provision of this Order shall be deemed to violate any applicable law or regulation, such invalid provision or part of a provision shall be inapplicable. BUT the Parties agree that the remaining part of that provision and the remainder of the Order shall continue to be binding and enforceable.

14. No Broker; Manufacturer Incentives. If at any time Dealer determines that Purchaser intends to engage in the resale of vehicles for profit, where such resale is not in conjunction with further manufacturing, Dealer reserves the right to cancel this Order. Certain manufacturer's incentives are intended to be used for retail customers at the location as identified by the Purchaser in this Order. Purchaser represents that it will register the Purchased Units(s) with its state motor vehicle department and is not purchasing the Purchased Units with the intent to resale same, except where such resale is in conjunction with further manufacturing. If at any time Dealer determines that the foregoing representations are not true, Dealer has the right to seek repayment of any manufacturer incentives that are paid.

15. Governing Law and Dispute Resolution. This contract shall be governed by the laws of the State of Texas. Both Parties agree to present the other Party with notice of any claim relating to this Order at least five (5) business days before filing a petition or complaint relating thereto (in addition to any other applicable notice periods required by statute), during which time the Parties agree to negotiate in good faith to resolve their disputes. If negotiations fail, any disputes arising from or relating to this transaction shall be resolved through binding arbitration in accordance with the rules of the American Arbitration Association (AAA). The arbitration shall take place in Houston, Texas, and the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs.

16. Emissions Waiver for Used Trucks and CARB Compliance. All used trucks must comply with applicable emission standards, including CARB compliance. Purchaser agrees to the terms of the emissions waiver attached as Exhibit A, which shall be incorporated herein by reference as if written in full and acknowledges the requirement for such compliance. Dealer shall not be held liable for compliance with any applicable emission standards. Purchaser is required to inform Dealer of the intended location for tiling and operation of the purchased Unit and to ensure compliance with CARB regulations if such compliance is necessary. The obligation for CARB compliance lies solely with the Purchaser. Purchaser acknowledges and agrees that under no circumstances shall Dealer be held responsible or liable for ensuring CARB compliance for the Unit(s) purchased by Purchaser.

PURCHASER ACKNOWLEDGES THAT THE ADDITIONAL TERMS AND CONDITIONS HAVE BEEN READ AND AGREED TO.

PURCHASER'S SIGNATURE:

DATE:



Doggett Freightliner Of South Texas, Llc

3103 N. CAGE BLVD.

PHARR, TX 78577

(956)782-8202

2020 Freightliner Cascadia 126

VIN: 3AKJHLDV2LSLG9555 Stock #: 580323

Engine

Engine DD13
 HP 450
 Miles 458670
 Engine Hours 14884

Transmission

Trans Make Detroit
 Trans Model DT12
 Trans Type Automatic
 Speeds 12 Spd

Cab Information

Truck Type TRACTOR
 Cab Configuration Daycab
 Exterior Color WHITE ELITE EY
 Int. Type/Color/Cond SLATE GRAY

Suspension

Wheelbase 174

Axle Information

FA Detroit
 FA Model F120-3N
 FA Weight 12000
 RA Front Detroit
 RA Front Model DART400-4S
 RA Rear Detroit
 RA Rear Model DART400-4S
 Axle Type Tandem
 Axle Capacity 40000
 Ratio 2.41

Fuel Tank

Fuel Tank LH/RH 130 /



\$37,900.00

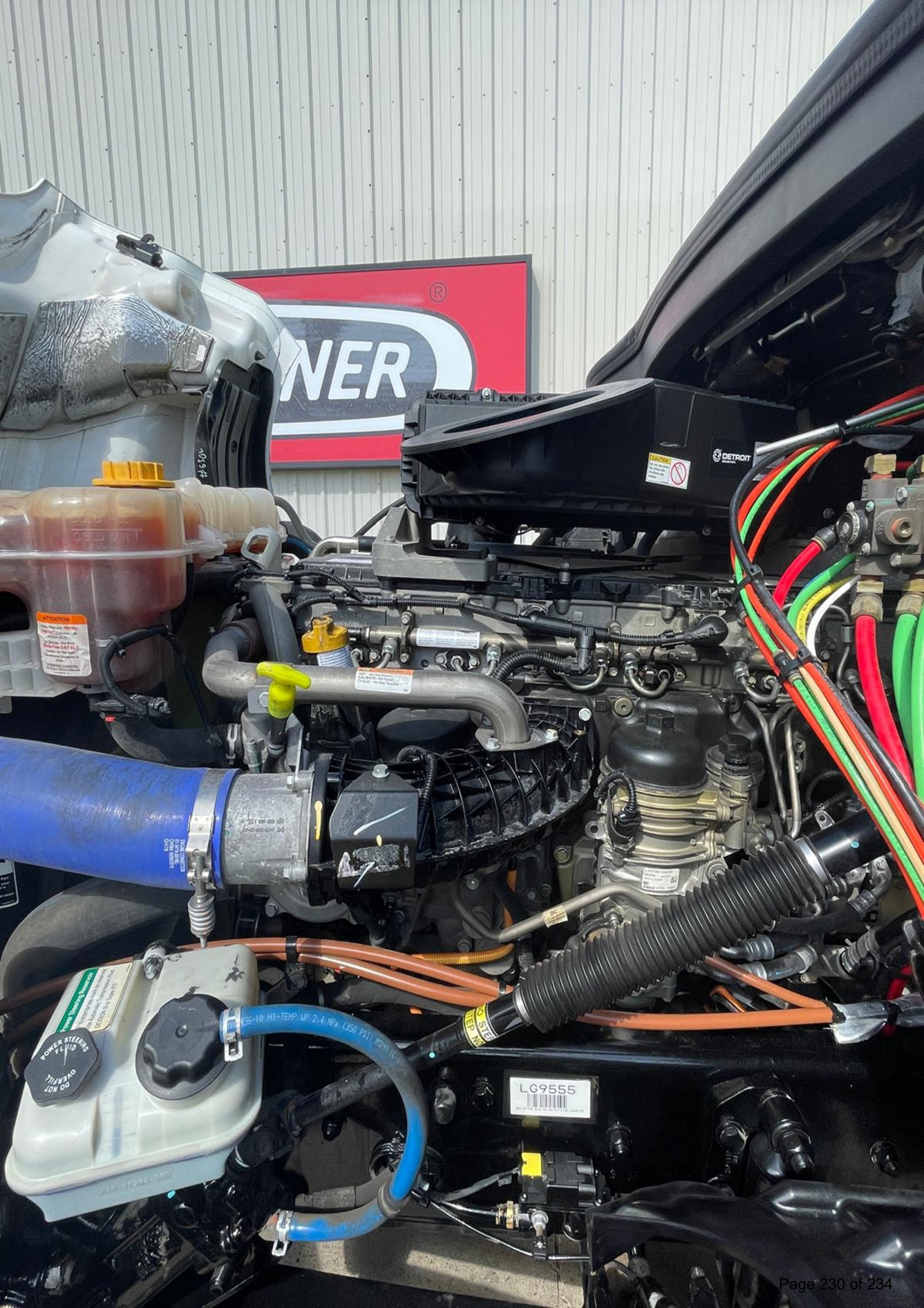
Add a 90 day / 25,000 mile Warranty for \$1,500.

For More Information Contact: Emilio Anaya | 956-586-9456 | emilio.anaya@doggett.com

DISCLAIMER: Photos, specifications, prices, and all other information are subject to change or correction without notice. Taxes, fees, and delivery expense are not included. See your salesperson for details.









Sahling Kenworth, Inc. - Kearney

2206 East 25th St. Kearney NE 68848

Scott Kulhanek

Ph:(563) 343-8700

Email:scott.kulhanek@csctruck.com

	Vehicle Details 2022 Peterbilt 579 VIN 1XPBDK9X2ND781515 Price \$56,900 Mileage 155,100
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Further Vehicle Details

ENGINE PACCAR MX11	HORSEPOWER 430
CONDITION Used	CATEGORY Tractor Day Cab
MANUFACTURER Peterbilt	MODEL 579
MILEAGE 155,100	TRANSMISSION Automated
NUMBER OF SPEEDS 12 Spd	DRIVE 6x4
SLEEPER STYLE Day Cab	EXTERIOR COLOR Cobalt Blue
FRONT AXLE 12,500	REAR AXLE 40,000
REAR AXLE RATIO 2.85	WHEEL BASE 163
SUSPENSION Pete Flex Air	TIRES 22.5 Wide Base
STATUS Stock on Hand	VIN 1XPBDK9X2ND781515

Pricing is as follows:

2021 Kenworth T 680

2.85 rear

Super singles

Paccar MX 11 430 HP

162,200 and 193680 miles

Fuller 12 speed automated transmission

New DOT

Fluids and filters have been changed

New detail

\$49,900 F.O.B. Kearney, NE

\$54,500 with New dual set tires and wheels.



Proposals for 2020 Peterbilt 579 Day Cabs

From Ross Reding <Redingr@RushEnterprises.Com>
Date Mon 3/2/2026 4:05 PM
To Jose Lara <jlara@cityofsanbenito.com>
Cc Armando Palacios <Palacios@rushenterprises.com>

 3 attachments (9 MB)

stock#1469784_proposal_city of san benito.pdf; stock#1682130_proposal_city of san benito.pdf; stock#1725366_proposal_city of san benito.pdf;

Hi Jose,

Attached are proposals for the 3 identical 2020 Peterbilt 579 Day Cabs we have in stock that you looked at today. All 3 trucks have Paccar MX-13 455HP engines, 12 Speed Automatic Transmission, 173" wheelbase, 2.79 Axle Ratio. I also have pictures attached and below on this email. I have the mileage and listed price below for each one, I am negotiable on price and if you decide to take all 3 we can work the best deal. Let me know what you think and any questions, thank you!

Stock#1469784	67K Miles	\$64,500.00
Stock#1682130	234K Miles	\$58,500.00
Stock#1725366	279K Miles	\$56,500.00

