

ORDINANCE NUMBER 2601-A-10-2022(Z)

RUSSELL RANCH PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2601-03-2022(Z) AND AMENDING THE RUSSELL RANCH PLANNED DEVELOPMENT DISTRICT STANDARDS INCORPORATED AS “EXHIBIT B”, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this planned development district is to provide housing designed to provide a variety of residential options to residents within the community of San Benito; and

WHEREAS, the planned development district is and shall be referred to as Russell Ranch Planned Development District; and

WHEREAS, the City of San Benito (“City”) has developed a Comprehensive Plan and Comprehensive Zoning Ordinance regulating the development and use of land within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City Commission of the City of San Benito seeks to promote the positive image of the City reflecting order, harmony and compatible land uses, thereby strengthening the City’s residential area; and

WHEREAS, the City desires to provide for an equitable system of regulations relating to the development of property in order to protect the interests of existing residential property; and

WHEREAS, the City wants to ensure that development of the property has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas.

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

Section 1. Amendments. That the Comprehensive Zoning Ordinance and map of the City of San Benito be, and the same are hereby amended in order to change the zoning designation on the property, “Exhibit A”, from Single Family One (SF-1) and Agricultural and Open Spaces (A-O), to Planned Development District Single Family One (PDD-SF-1) which shall default to Single Family One (SF-1). Chapter 14 of the City of San Benito Code of Ordinances as amended shall be and remain in full force and effect save and except as amended by this Ordinance, and that the property shall in all other respects be subject to all applicable regulations of the City of San Benito.

Section 2. Planned Development District Standards. That the district standards for the Planned Development District – Single Family One (PDD-SF-1) are adopted hereby and applicable to the property and are attached hereto as “Exhibit B” and incorporated herein, and the same are hereby approved by the City Commission for such planned development district as required by the City of San Benito Code of Ordinances Chapter 14 Section 12.08. The property shall be regulated by the standards set forth in “Exhibit B” and all other applicable City Ordinances.

Section 3. Cumulative/Repealer Clause. That this ordinance shall be cumulative of all provisions of the State or Federal Law and other ordinances of the City of San Benito, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 4. Severability Clause. If any word, section, article phrase, paragraph sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction such holding shall not affect for any reason the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 14 of the City of San Benito Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the municipal court of the City of San Benito, Texas shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. Savings Clause. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of this Code of Ordinances as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage.

FIRST READING before the City Commission of the City of San Benito, Texas, at a Regular City Commission Meeting on the **18th** day of **October, 2022**.

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, **1st** day of **November, 2022**.

CITY OF SAN BENITO, TEXAS


Honorable Ricardo Guerra
Mayor

ATTEST:


Ruth McGinnis
City Secretary



APPROVED AS TO FORM:

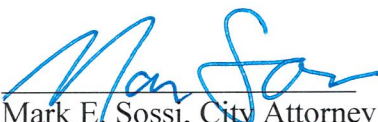

Mark E. Sossi, City Attorney
For City of San Benito

EXHIBIT "A"

RUSSEL RANCH PLANNED DEVELOPMENT DISTRICT

METES AND BOUNDS DESCRIPTION

(Please see the following page)

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

June 2, 2021

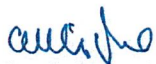
METES AND BOUNDS 27.273 ACRES OF LAND

BEING 27.273 ACRES OF LAND, more or less, being the West 5 Acres of Lot 22, the West 2.273 Acres of Lot 21, and all of Lots 49, 51, 52, and 53, Resaca Front Subdivision, City of San Benito, Cameron County, Texas, as recorded in Volume 2, Page 21, of the Map Records of Cameron County, Texas; said 27.273 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found for the Southwest corner of Lot 53, for the Southwest corner and POINT OF BEGINNING of the tract herein described;

- 1) THENCE along the West boundary of Lot 53, NORTH 30 DEG. 43 MIN. 00 SEC. EAST a distance of 1,320.00 FEET to the Northwest corner of Lot 49, being on the centerline of Russell Lane (having 40 feet of right of way), for the Northwest corner of the tract herein described;
- 2) THENCE leaving the West boundary of Lot 49, along the centerline of Russell Lane, SOUTH 59 DEG. 17 MIN. 00 SEC. EAST a distance of 1,320.00 FEET to a nail found on the North boundary of Lot 22, for the Northeast corner of the tract herein described;
- 3) THENCE leaving the North boundary of Lot 22, SOUTH 30 DEG. 43 MIN. 00 SEC. WEST a distance of 330.00 FEET to a nail found for the Northeast corner of a 2.727 Acre tract of land described in Volume 4246, Page 22, Official Records of Cameron County, Texas, for a corner of the tract herein described;
- 4) THENCE along the North boundary of said 2.727 Acre tract, NORTH 59 DEG. 17 MIN. 00 SEC. WEST a distance of 360.00 FEET to an iron rod found, for a corner of the tract herein described;
- 5) THENCE along the West boundary of said 2.727 Acre tract, SOUTH 30 DEG. 43 MIN. 00 SEC. WEST a distance of 330.00 FEET to an iron rod found on the North boundary of a 10.00 Acre tract of land described in Volume 20078, Page 281, Official Records of Cameron County, Texas, for a corner of the tract herein described;
- 6) THENCE leaving the West boundary of said 2.727 Acre tract, along the North boundary of said 10.00 Acre tract, NORTH 59 DEG. 17 MIN. 00 SEC. WEST a distance of 300.00 FEET to an iron rod found for the Northeast corner of Lot 52, for a corner of the tract herein described;
- 7) THENCE along the East boundary of Lot 52, SOUTH 30 DEG. 43 MIN. 00 SEC. WEST, at a distance of 599.61 feet pass an iron rod found, a total distance of 660.00 FEET to the Southeast corner of Lot 53, for the Southeast corner of the tract herein described;
- 8) THENCE along the South boundary of Lot 53, NORTH 59 DEG. 17 MIN. 00 SEC. WEST a distance of 660.00 FEET to the POINT OF BEGINNING; Containing 27.273 Acres of land within these metes and bounds.

Basis of bearings are as per Resaca Front Subdivision, recorded in Volume 2, Page 21, Map Records of Cameron County, Texas. A plat of survey accompanies this metes and bounds description.


Cody Michael Moore, R.P.L.S.
Registered Professional Land Surveyor No. 6370

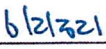

Date



EXHIBIT "B"

RUSSELL RANCH PLANNED DEVELOPMENT DISTRICT STANDARDS

- I. **Statement of Purpose:** The purpose and intent of this planned development district is to provide housing designed to provide a variety of residential options to residents within the community of San Benito. The variety of parcel sizes will provide residents the opportunity to find homes from 1,200 – 2,150 square feet on varying lot sizes.
- II. **Statement of Effect:** This planned development district shall not affect any regulation found in the City of San Benito Code of Ordinances, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single-Family District (SF-1) set forth in Chapter 14 of the San Benito Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**

Subdivision: A Preliminary Plat and Final Plat shall be submitted in accordance with the requirements set forth in the City of San Benito Code of Ordinances Chapter 10.
- V. **Specific Regulations:**
 - A. **Permitted Uses:** The following shall be permitted uses within Planned Development District – Single Family One (PDD – SF-1).
 - B. **Acceptance of Subdivision:** The City shall not accept the subdivision until such time as:
 1. Developer has installed all public infrastructure, except for interior sidewalks in accordance with this ordinance.
 2. Developer has filed Covenants, Conditions, and Restrictions (CCR) for the subdivision, which provides for the creation of a Property Owners Association (POA) or a Homeowners Association (HOA), which shall have the responsibility of properly maintaining all common elements including drainage and retention.
 3. Subdivision Developer, as a backstop, will place the requirements of this ordinance as to drainage and sidewalks, including the provision of the warranty bonds), with the CCRs.
 - C. **No building permits for primary or accessory structures within the subdivision shall be issued until:**
 1. The Covenants, Conditions and Restrictions (CCRs) are filed, and
 2. The HOA or POA are formed and all common areas are deeded over to the HOA or POA, and
 3. The Completion of all public infrastructure, other than interior sidewalks have been completed and in accordance with City codes.
 - D. **Permitted Subdivision Amenities:**
 1. **Building Setbacks in feet;**
 - i. Front – 20'
 - ii. Rear – 10'

- iii. Side – 5’
 - iv. Street side corner lots – 15’
2. Utility Easements in feet, applicable to all residential lots including lots for storm water detention;
 - i. Along front property line and any street side – 15’
 - ii. Along the rear property line – 15’, if not abutting to another lot within the same subdivision
 - iii. Along the rear property line – 7.5’ if abutting another lot within the same subdivision
 3. 50-foot wide public right-of-way (ROW) for Stirrup Circle and Lasso Lane.
 4. Circular, half-circle, and horseshoe driveways shall be prohibited.
 5. A single vehicle garage shall have a standard single width vehicle driveway subject to city approval, not to exceed twelve (12) feet.
 6. A double vehicle garage shall have a standard double width vehicle driveway subject to city approval, not to exceed twenty (20) feet.
 7. A private sidewalk from the public right-of-way to the primary residential structure shall not exceed four (4) feet in width.
 - i. Subdivision Developer shall install exterior sidewalks on the perimeter of the subdivision prior to the City issuing a Certificate of Completion on the subdivision. As to interior lots, Subdivision Developer will either (a) install all interior sidewalks, or (b) require homebuilders on interior lots to meet City codes and provide a 12-month warranty bond for their installed sidewalks; per paragraph D-9 below.
 8. Subdivision developer will install all handicap ramps in both exterior and interior common areas, along with cluster mailboxes.
 9. In no event will City issue a Certificate of Occupancy for any lot within the subdivision prior to the construction of a sidewalk meeting the requirements of this ordinance, and receipt of a maintenance bond, money in escrow, or deposit in a band, savings and loan association, or a trust company in an amount equal to five (5) percent of the cost of the improvements required, as estimated by the city’s Director of Public Works, conditioned that the builder will warrant such improvements to be free of defects of material and/or workmanship for a period of twelve (12) months after acceptance by the Director of Public Works.
 10. Vehicles are prohibited from parking or blocking pedestrian sidewalks.
 11. United States Postal Services cluster mailboxes shall be located upon the district’s common area and not on public right-of-way.

E. Storm Water Detention Maintenance:

1. On-site detention ponds shall be private and the property owner(s) through the HOA or POA required by this ordinance shall be responsible for the proper maintenance and operation.
2. If multiple lots or tracts are utilizing a common on-site detention pond, the proper maintenance and operation will be the property owners through a legally formed entity like a property owners' association or equivalent.

F. Bonding: Subdivision Developer shall provide a 12-month warranty bond for all work within the subdivision, other than sidewalks installed by the homebuilders. The Developer has provided a Performance Bond with a 25-month term that commenced on April 5, 2022. Developer will guarantee installation of sidewalks at any remaining lots, where homes have not been completed by homebuilders, prior to expiration of the Performance Bond.

G. Russell Ranch Lot Dimension Table

| RUSSELL RANCH (103-Lots) | | | | | | |
|--------------------------|-----------|------------|-------------|---------------------------|---------------------------|--------------------|
| LOT DIMENSION TABLE | | | | | | |
| 3/9/2022 | | | | | | |
| LOT NO. | AREA (SF) | WIDTH (FT) | LENGTH (FT) | IN COMPLIANCE TOTAL SF | IN COMPLIANCE LOT DIMS | PROPOSED HOME SIZE |
| BLOCK 1 | | | | | | |
| 1 | 7284 | 61.00 | 121.25 | YES | NO | 1200-2150 |
| 2 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 3-Detention | 7275 | 59.00 | 121.25 | N/A | N/A | N/A |
| 4 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 5 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 6 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 7 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 8 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 9 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 10-Detention | 7275 | 60.00 | 121.25 | N/A | N/A | N/A |
| 11 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 12 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 13 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 14 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 15 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 16 | 7034 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 17 | 10908 | 64.02 | 102.25 | YES | NO | 1200-2150 |
| 18 | 8600 | 39.52 | 109.15 | YES | NO | 1200-2150 |
| 19 | 8069 | 73.00 | 121.25 | YES | NO | 1200-2150 |
| 20 | 8851 | 73.00 | 121.25 | YES | NO | 1200-2150 |
| 21 | 8851 | 73.00 | 121.25 | YES | NO | 1200-2150 |
| 22 | 8069 | 73.00 | 121.25 | YES | NO | 1200-2150 |
| 23 | 9737 | 39.52 | 156.83 | YES | NO | 1200-2150 |
| 24 | 11030 | 53.20 | 121.25 | YES | NO | 1200-2150 |
| 25 | 5925 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 26 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 27 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 28 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 29 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 30 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 31 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 32 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 33 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 34 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 35 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 36 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 37 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 38 | 6366 | 52.50 | 121.25 | YES | NO | 1200-2150 |
| 39 | 7769 | 65.00 | 121.25 | YES | NO | 1200-2150 |
| 40 | 7513 | 61.00 | 121.25 | YES | NO | 1200-2150 |
| 41 | 7375 | 59.00 | 125.00 | YES | NO | 1200-2150 |
| 42 | 7500 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 43 | 7500 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 44 | 7282 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 45 | 9110 | 52.36 | 130.42 | YES | YES | 1200-2150 |
| 46 | 10231 | 52.36 | 130.42 | YES | YES | 1200-2150 |
| 47 | 10231 | 52.36 | 125.00 | YES | YES | 1200-2150 |
| 48 | 9110 | 52.36 | 125.00 | YES | YES | 1200-2150 |
| 49 | 7282 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 50 | 7500 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 51 | 7500 | 60.00 | 125.00 | YES | YES | 1200-2150 |
| 52 | 7375 | 59.00 | 125.00 | YES | YES | 1200-2150 |
| 53 | 7513 | 61.00 | 125.00 | YES | YES | 1200-2150 |
| 54 | 6600 | 55.00 | 120.00 | YES | NO | 1200-2150 |
| 55 | 6600 | 55.00 | 120.00 | YES | NO | 1200-2150 |
| 56 | 6600 | 55.00 | 120.00 | YES | NO | 1200-2150 |
| 57 | 6600 | 55.00 | 120.00 | YES | NO | 1200-2150 |
| 58 | 8306 | 70.33 | 120.00 | YES | NO | 1200-2150 |

| BLOCK 2 | | | | | | |
|---------|------|-------|--------|-----|----|-----------|
| 1 | 7769 | 65.00 | 121.25 | YES | NO | 1200-2150 |
| 2 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 3 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 4 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 5 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 6 | 7199 | 59.37 | 121.25 | YES | NO | 1200-2150 |
| 7 | 6972 | 57.00 | 121.25 | YES | NO | 1200-2150 |
| 8 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 9 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 10 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 11 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 12 | 7275 | 60.00 | 121.25 | YES | NO | 1200-2150 |
| 13 | 7996 | 66.87 | 121.25 | YES | NO | 1200-2150 |
| 14 | 7753 | 64.87 | 121.25 | YES | NO | 1200-2150 |
| 15 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 16 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 17 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 18 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 19 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 20 | 6184 | 51.00 | 121.25 | NO | NO | 1200-2150 |
| 21 | 6487 | 53.50 | 121.25 | YES | NO | 1200-2150 |
| 22 | 6471 | 53.37 | 121.25 | YES | NO | 1200-2150 |
| 23 | 6063 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 24 | 6063 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 25 | 6063 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 26 | 6063 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 27 | 6063 | 50.00 | 121.25 | NO | NO | 1200-2150 |
| 28 | 7284 | 61.00 | 121.25 | YES | NO | 1200-2150 |
| BLOCK 3 | | | | | | |
| 1 | 7132 | 66.88 | 110.00 | YES | NO | 1200-2150 |
| 2 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 3 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 4 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 5 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 6 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 7 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 8 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 9 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 10 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 11 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 12 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 13 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 14 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 15 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 16 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 17 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 18 | 5630 | 51.18 | 110.00 | NO | NO | 1200-2150 |
| 19 | 7132 | 66.88 | 110.00 | YES | NO | 1200-2150 |