

ORDINANCE 585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS, ADOPTING AMENDMENTS TO THE ZONING ORDINANCE; ESTABLISHING HAZARD RESILIENCY AS A PRIMARY PURPOSE OF THE ZONING ORDINANCE; ADDING DEFINITIONS RELATED TO HAZARDS AND HAZARD RESILIENCY; INCLUDING HAZARD RISKS AND PROTECTIONS IN THE CRITERIA FOR EVALUATING APPLICATIONS FOR ZONING PERMITS; ENCOURAGING THE USE OF PLANT MATERIAL AND LANDSCAPING TECHNIQUES THAT PROVIDE HEAT MITIGATION; CREATING THE ON-SITE STORMWATER MANAGEMENT INCENTIVE PROGRAM, THE WILDFIRE PROTECTION INCENTIVE PROGRAM, AND THE SHADED PARKING LOTS INCENTIVE PROGRAM; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____

_____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following votes:

Mayor Alejandro Flores	___	For	___	Against	___	Abstained
Mayor Pro-tem Alberto Escobedo	___	For	___	Against	___	Abstained
Councilmember Andrew Gonzales	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained
Councilmember Luis Gonzalez	___	For	___	Against	___	Abstained
Councilmember Leonel Casanova Jr.	___	For	___	Against	___	Abstained

WHEREAS, the City of Los Fresnos is a Home Rule municipality located in Cameron County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Texas Local Government Code Chapter 211 enables the City of Los Fresnos to exercise its authority to amend the Zoning Ordinance for the purpose of safeguarding public health, safety, and general welfare through promoting hazard resiliency; and

WHEREAS, the Planning and Zoning Committee reviewed the proposed amendments to the Zoning Ordinance at their regularly scheduled meeting on July 20, 2026 and approved and recommended said amendments for adoption by the City Council, in satisfaction of the review and recommend requirement of Section 211.007 of the Texas Local Government Code; and

WHEREAS, on September 1, 2026, following notice as required by law, the City Council held a public hearing on the proposed amendments at which members of the public were

given the opportunity to provide testimony and present written evidence, in accordance with Section 211.006 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS, THAT:

SECTION 1: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-1 "Purpose and intent" is hereby amended to read as follows:

Sec. 48-1. Purpose and intent.

The zoning regulations established in this chapter have been developed in a comprehensive manner in order to guide the planning and growth of the city and to promote the health, safety and general welfare of the citizens of the city. More specifically, the objectives of this chapter are as follows:

- (1) To encourage the growth of the city with quality urban design;
- (2) To promote a harmonious relationship between land uses which promotes and protects the aesthetic quality of the landscape, and enhances the value of land and buildings;
- (3) To specifically address those areas of the city which have scenic, historic and tourist related values, such as the major highway entrances and the Central Business District, and to encourage the development of these areas in a manner that protects their aesthetic values;
- (4) To promote a safe and effective traffic circulation system;
- (5) To outline the appropriate density controls which will encourage proper population and structural densities;
- (6) To promote resiliency to natural hazards by anticipating risks; incorporating hazard mitigation into the design and location of lots, buildings, and infrastructure; and addressing vulnerabilities;
- (7) To provide for adequate open spaces for light, air and livability room; and
- (8) To facilitate the adequate provisions of community utilities and services.

SECTION 2: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-2 "Definitions" is hereby amended to include the following definitions:

100-Year Floodplain means the land within a community subject to a 1 percent or greater chance of flooding in any given year, as defined by the most recent Flood Insurance Rate Map prepared by FEMA.

500-Year Floodplain means the boundary of the flood that has a 0.2-percent chance of being equaled or exceeded in any given year, as defined by the most recent Flood Insurance Rate Map prepared by FEMA. Officially termed the 0.2-percent annual chance floodplain.

Area of special flood hazard, or special flood hazard areas, means 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 zone 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.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Substantial Improvement means 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: (1) 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 (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Wildfire means unplanned fires that occur in wildlands such as forest, rangelands, or grasslands and may spread to developed areas.

Wildfire Risk Area means a designated location with a heightened probability of fire occurrence and potential for significant damage to homes, infrastructure, and natural resources. Wildfire Risk Areas shall be indicated by a Wildfire Exposure Score equal to six (6) or higher, according to the Texas A&M Forest Service Wildfire Risk Assessment Portal or comparable source.

SECTION 3: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-26(b) "Procedures" is hereby amended to include the following subsections:

8. The relationship of the site and structures to the 100-Year Floodplain, 500-Year Floodplain, and Wildfire Risk Areas.
- (2) The City of Los Fresnos desires to mitigate flooding and wildfire risk. When a proposed development is located in the 100-Year Floodplain and/or Wildfire Risk Area, the applicant shall provide documentation that identifies and describes these risks in adequate detail to support informed City risk review.

SECTION 4: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-26(b)(7) is hereby amended to include the following subsections:

- h. That the proposed use will not significantly heighten the risk of damage from flooding or wildfire for the subject and adjacent properties and structures.

1. Factors considered during this review shall include, but are not limited to:
 - (i) The relative location of the 100-year Floodplain, 500-year Floodplain, and Wildfire Risk Areas with respect to the lots in question;
 - (ii) Presence and preservation of existing natural drainage features, including but not limited to creeks, wetlands, and ponds;
 - (iii) Proposed stormwater management infrastructure; and
 - (iv) For developments 5 acres in total lot area, the net change in runoff rate.

SECTION 5: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-27(b) "Procedures" is hereby amended to include the following subsections:

8. The relationship of the site and structures to the 100-Year Floodplain, 500-Year Floodplain, and Wildfire Risk Areas.
- (2) The City of Los Fresnos desires to mitigate flooding and wildfire risk. When a proposed development is located in the 100-Year Floodplain and/or Wildfire Risk Area, the applicant shall provide documentation that identifies and describes these risks in adequate detail to support informed City risk review.

SECTION 6: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-27(b)(7) is hereby amended to include the following subsections:

- h. That the proposed use will not significantly heighten the risk of damage from flooding or wildfire for the subject and adjacent properties and structures.
1. Factors considered during this review shall include, but are not limited to:
 - (i) The relative location of the 100-year Floodplain, 500-year Floodplain, and Wildfire Risk Areas with respect to the lots in question;
 - (ii) Presence and preservation of existing natural drainage features, including but not limited to creeks, wetlands, and ponds;
 - (iii) Proposed stormwater management infrastructure; and
 - (iv) For developments 5 acres in total lot area, the net change in runoff rate.

SECTION 7: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-103(j) is hereby amended to include the following subsections:

- g. The relationship of the site and structures to the 100-Year Floodplain, 500-Year Floodplain, and Wildfire Risk Areas.

- (2) The City of Los Fresnos desires to mitigate flooding and wildfire risk. When a proposed development is located in the 100-Year Floodplain and/or Wildfire Risk Area, the applicant shall provide documentation that identifies and describes these risks in adequate detail to support informed City risk review.

SECTION 8: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning is hereby amended to include the following section:

Sec. 48-184. On-Site Stormwater Management Incentive Program

(a) Purpose and Intent

- (1) The purpose of this Section is to encourage development that reduces stormwater runoff, improves water quality, and enhances watershed protection by providing voluntary development incentives in exchange for the incorporation of enhanced stormwater management practices beyond minimum regulatory requirements.

(b) Applicability

- (1) Participation in this incentive program is voluntary. All development may proceed under base zoning standards without the use of incentives.
- (2) This Section shall apply to all development subject to site plan review, under this Zoning Ordinance, unless expressly exempted by the Zoning Administrator.

(c) Incentive System Overview

- (1) Eligible projects may earn Stormwater Management Points (SMPs) by implementing the practices listed in (d) Stormwater Management Credit Schedule.
- (2) Points determine eligibility for incentives as follows:

Total SMPs	Incentive
2 points	10% building permit fee reduction
4 points	25% building permit fee reduction
6 points (maximum)	50% building permit fee reduction

- (3) Incentives shall only be granted where stormwater facilities are properly designed, installed, and maintained.

(d) Stormwater Best Management Practices (SBMP) Credit Schedule

Option	Description	Points Awarded	Public Benefit
Rain Gardens / Planting Areas	Landscaped areas that capture and absorb runoff or pavement	1 point per 200 sq ft	Reduces flooding and improves water quality
Permeable Pavement	Porous pavement in parking lots, drives, or walkways	1 point per 300 sq ft	Reduces runoff and ponding
Green Roofs	Vegetated roof systems	1 point per 1,000 sq ft roof area	Reduces runoff and heat island effect

Option	Description	Points Awarded	Public Benefit
Rainwater Reuse Systems	Cisterns or tanks that collect roof water for reuse	1 point: 50–150 gal 2 points: 150-300gal 3 points: 300-500gal 4 points: 500-750 gal 5 points: 750-1,000 ga 6 points: 1,000+ gal	Reduces demand on the storm system and water supply
Bioswales / Vegetated Drainage Channels	Landscaped drainage systems instead of pipes	1 point: 20–50 LF 2 points: 50-100 LF 3 points: 100-300 LF 4 points: 300-500 LF 5 points: 750-1,000 LF 6 points: 1,000+ LF	Slows and filters runoff
Reduced Pavement Area	Less asphalt/concrete than the maximum allowed	1 point per 5% reduction	Less runoff entering the storm system
Stream / Drainage Buffer Protection	Wider natural buffer areas along streams or drainageways	2 points: 30-50 LF 4 points: 50-100 LF 6 points: 100+ LF	Protects waterways and reduces erosion

(e) Administration and Approval

(1) Incentive applications shall be reviewed during the site plan review.

(2) The Applicant shall submit:

- a. A site plan showing all structures, impermeable surfaces, public stormwater management infrastructure, natural water features, and proposed stormwater features.
- b. A narrative describing the scope of work, including each selected incentive option.
- c. A cost estimate for the Stormwater Best Management Practices features to be installed.
- d. Basic calculations demonstrating compliance with this Section.
- e. A Stormwater Management Maintenance Agreement.

(3) Incentive Calculation

- a. The City Engineer or designee shall verify point calculations and eligibility.
- b. Stormwater Management Points shall be calculated based on site plan submissions and simple engineering calculations prepared by a qualified professional.

(4) Final incentive approval shall be granted prior to the issuance of development approval.

(f) Construction and Maintenance Requirement

(1) All stormwater management features used to obtain an incentive shall be constructed in accordance with approved plans.

- (2) The City may require the property owner to execute a maintenance agreement ensuring long-term operation and upkeep of all stormwater facilities.
- (3) The City may require financial security to ensure installation and performance of approved systems.
- (4) Failure to maintain approved stormwater features shall constitute a violation of this Ordinance and may result in revocation of incentive benefits.

(g) *Compliance and Enforcement*

- (1) In the event that the Stormwater Best Management Practices (SBMP) required for the building fee reduction in Section (c) are not maintained, are removed, or fail to operate as designed, the developer, owner, or their successors, heirs, or assigns shall be liable to the City for the following:
 - a. Immediate Cure: Failure to maintain the SBMPs shall be a violation of the site plan approval. The City may notify the owner, who shall have 30 days to repair the system.
 - b. Clawback: If the system is not repaired, the City shall have the right to require the developer, owner, or their successors, heirs, or assigns to pay back to the City the 100% of the incentive funds granted and/or impose a financial penalty equivalent to two times the fee reduction, which shall be paid to the City within 30 days of written notice.
 - c. Recording: These obligations shall be recorded as a restrictive covenant running with the land.

(h) *Relationship to other Regulations*

- (1) Projects utilizing incentives shall comply with applicable stormwater regulations, including local ordinances and state and federal requirements.
- (2) If any portion of this Section is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 9: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning is hereby amended to include the following section:

Sec. 48-185. Wildfire Protection Incentive Program

(a) *Purpose.*

- (1) The purposes of this Section are to encourage development that is protected from wildfire risks and to limit the spread of wildfire between structures. This will be accomplished by providing voluntary development incentives in exchange for building and site design practices beyond minimum regulatory requirements.

(b) *Applicability*

- (1) Participation in this incentive program is voluntary. All development may proceed under base zoning standards without the use of incentives.
- (2) This Section shall apply to all development subject to site plan review under this Zoning Ordinance, unless expressly exempted by the Zoning Administrator.

(c) *Incentive System Overview.*

- (1) Eligible developments may earn the following incentives by implementing the practices described in subsection (d):

Total Wildfire Protection Points	Incentive
1 points	20% building permit fee reduction
2 points	30% building permit fee reduction
3 points	40% building permit fee reduction
4 points	50% building permit fee reduction
5 points (maximum)	60% building permit fee reduction

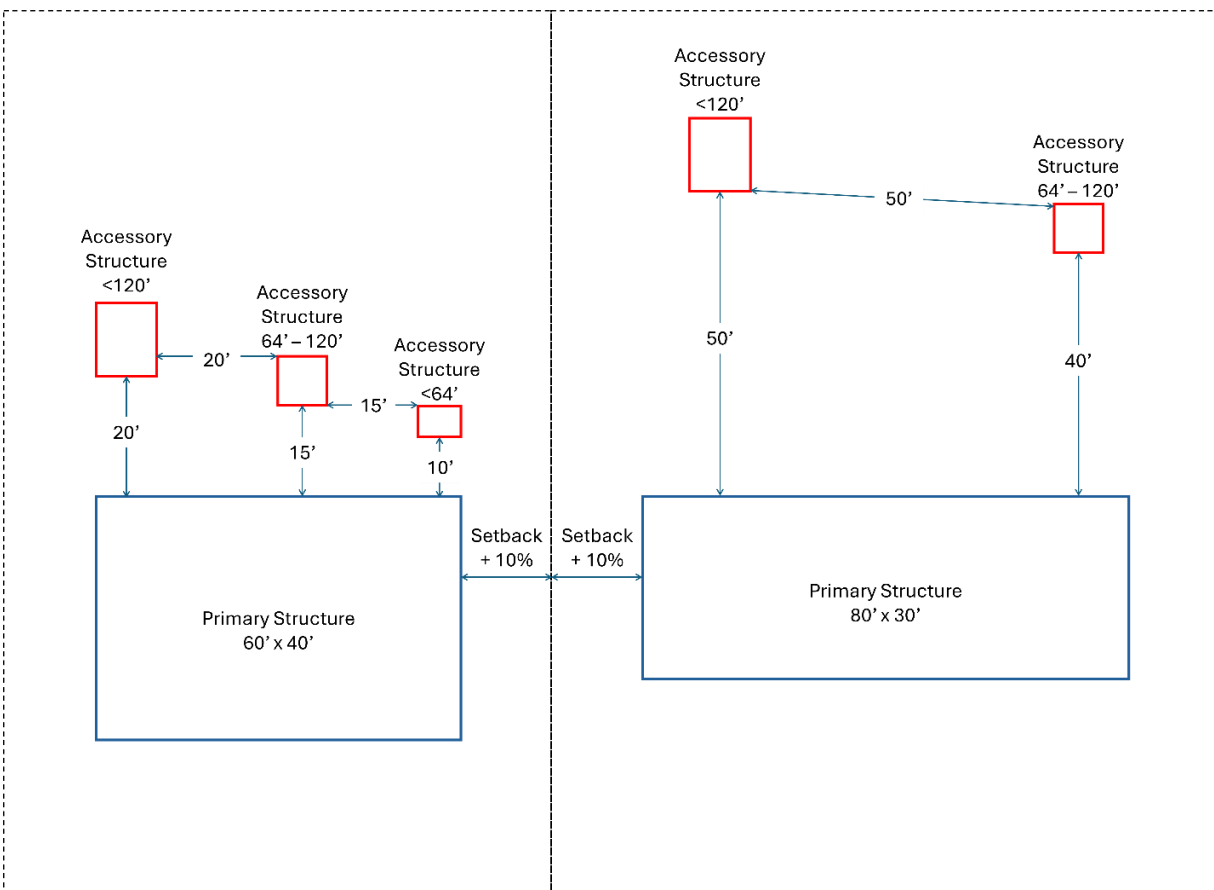
(d) *Wildfire Protections Credit Schedule*

Option	Description	Points Awarded	Public Benefit
Increased setbacks	Increase in width of side yard and depth of rear yard by 10% of the stated minimum buffer yard.	1 point	Reduces the risks of structure-to-structure ignition between lots
	Increase in width of side yard by 4 feet or depth of rear yard by 5 feet above the stated minimum buffer yard.	2 points	
Building separation	Separating primary and accessory structures on the same lot, according to the Option 1 distances listed in subsection (e).	1 point	Reduces the risks of structure-to-structure ignition within a lot
	Separating primary and accessory structures on the same lot, according to the Option 2 distances listed in subsection (e).	2 points	
Fire Resistant Materials and Building Hardening	Using fire resistant building materials and building hardening systems.	1 point	Reduces the risks of damage and injury to structures and occupants

(e) *Building Separation Schedule*

Type of Structure	Accessory Structure (>120')	Accessory Structure (64'-120')	Accessory Structure (<64')
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Separation From Primary Structure	Option 1 (Minimum Separation)	20'	15'	10'
	Option 2 (Minimum Separation)	50'	40'	30'
Separation From Other Accessory Structures	Option 1 (Minimum Separation)	20'	15'	10'
	Option 2 (Minimum Separation)	50'	40'	30'



(f) *Administration and Approval*

(1) Incentive applications shall be reviewed during the site plan review.

(2) The applicant shall submit:

- A site plan showing all structures, with distances between all structures and the size of each buffer yard indicated;
- A narrative describing each selected incentive option; and
- Basic calculations demonstrating compliance with this section

(3) Incentive Calculation

- a. The City Engineer or designee shall verify point calculations and eligibility.
- b. Wildfire Protection Points shall be calculated based on site plan submissions and simple engineering calculations prepared by a qualified professional.

(4) Final incentive approval shall be granted prior to the issuance of development approval.

(g) Construction Requirement

(1) All buildings designed to obtain an incentive shall be constructed in accordance with approved plans.

(2) The City may require financial security to ensure construction meets the requirements of this Section.

(h) Compliance and Enforcement

(1) In the event that the buildings designed to obtain an incentive are not constructed in accordance with approved plans or are altered such that they no longer comply with the design standards required to obtain the incentive, the developer, owner, or their successors, heirs, or assigns shall be liable to the City for the following:

- a. Penalty/Clawback: If the system is not remedied, the City may require the developer, owner, or their successors, heirs, or assigns to pay back to the City the 100% of the incentive funds granted, which shall be repaid to the City within 30 days of written notice.
 - 1. The City may accept partial refunding in the event of partial compliance with the design standards required to obtain the approved incentive.
- b. Recording: These obligations shall be recorded as a restrictive covenant running with the land.

(i) Relationship to other Regulations

(1) Projects utilizing incentives shall comply with applicable regulations, including local ordinances, building codes, and state and federal requirements.

(2) If any portion of this Section is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 10: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-206 is hereby amended to include the following subsections:

(r) Where vegetation or landscaping are required by this ordinance, the City encourages the use of plant material and landscaping techniques that provide heat mitigation to individuals and buildings, including:

(1) The preservation of existing trees and shade cover, and

(2) The installation of new shade-providing trees and shade cover.

(3) Acceptable shade-providing trees and shade cover shall include:

- a. Medium or large trees recommended by the Texas A&M Forest Service for Cameron County, or

- b. Trees or other plant material that provide a minimum canopy diameter of 15 feet at maturity.

SECTION 11: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning is hereby amended to include the following section:

Sec. 48-247. Shaded Parking Lots Incentive Program.

(a) Purpose

- (1) The purposes of this Section is to encourage the design of parking lots that mitigate heat reflection from paved surfaces by providing voluntary development incentives in exchange for incorporating landscaping and shade-providing trees.

(b) Applicability

- (1) Participation in this incentive program is voluntary. All development may proceed under base zoning standards without the use of incentives.
- (2) This Section shall apply to all development subject to site plan review which includes at least two (2) parking spaces, under this Zoning Ordinance, unless expressly exempted by the Zoning Administrator.

(c) Incentive System Overview

- (1) Eligible projects may earn the following incentives based on the ratio of trees provided, as required in section (d), to required parking spaces, as enumerated in *Sec. 48-246 Schedule of off-street parking requirements*:

Ratio of Trees to Parking Spaces	Incentive
≤0.2	20% building permit fee reduction
0.2-0.39	30% building permit fee reduction
≥0.4	50% building permit fee reduction

- (2) Incentives shall only be granted where landscaped areas are properly designed, installed, and maintained.

(d) Requirements

(1) End Islands

- a. Every row of parking that contains more than ten (10) parking spaces shall have an end island located at one (1) end of the row.
- b. Every row of parking that contains more than twenty (20) parking spaces shall have an end island located at both ends of the row.
- c. End islands and peninsulas shall have a total landscaped area of at least 180 square feet, measured from the back of the curb.
- d. Sidewalks may pass through end islands and peninsulas provided that the end island is expanded to maintain the minimum landscaped area of 180 square feet.

- e. Where two separate rows of parking spaces are directly adjacent to each other, the required end islands may be combined into one island that contains at least 360 square feet of landscaped area.
- f. A sidewalk may pass through a combined end island provided that the island is expanded to maintain the minimum landscaped area of 180 square feet.
- g. When an end island is attached to a median, it shall be called a peninsula. Peninsulas shall comply with all applicable design and landscaping standards for end islands.
 - 1. Where two adjacent parking rows are divided by a median, the required end islands may not be combined into one unit for the purposes of this ordinance. They shall instead be treated as two separate peninsulas and shall be subject to all applicable design and landscaping standards.

(2) Interior Islands

- a. Every row of parking that contains more than twenty-five (25) parking spaces shall have an interior island located in the middle of the parking row.
- b. The number of parking spaces between landscaped islands (interior islands or end islands) shall not exceed twenty-five (25).
- c. Interior islands shall have a total landscaped area of at least 180 square feet, measured from the back of the curb.
- d. Where two separate rows of parking spaces are directly adjacent to each other, the required interior islands may be combined into one island at least 360 square feet of landscaped area.
- e. A sidewalk may pass through a combined interior island provided that the island is expanded to maintain the minimum landscaped area of 180 square feet.
- f. When an interior island is attached to a median, it shall be called a peninsula. Peninsulas shall comply with all applicable design and landscaping standards for interior islands.
 - 1. Where two adjacent parking rows are divided by a median, the required interior islands may not be combined into one unit for the purposes of this ordinance. They shall instead be treated as two separate peninsulas and shall be subject to all applicable design and landscaping standards.

(3) Peninsulas

- a. When attached to a median, a peninsula will take the place of an interior island or end island where required by this section.

- b. Peninsulas shall have a total landscaped area of at least 180 square feet, measured from the back of the curb.
- c. Sidewalks may pass through a peninsula provided that the peninsula is expanded to maintain the minimum landscaped area of 180 square feet.

(4) Medians

- a. Medians shall have a landscaped area at least 10 feet in width, measured from the back of the curb, along the entire length of the median, measured from the back of the curb.
- b. There shall be no more than three adjacent parking rows without a median.
- c. A sidewalk may pass through the median provided that the landscaped area is expanded to meet the minimum 10-foot width.

(5) Landscaping

- a. *Shade-providing trees.* Acceptable shade-providing trees and shade cover shall include:
 - 1. Medium or large trees recommended by the Texas A&M Forest Service for Cameron County, or
 - 2. Trees or other plant material that provide a minimum canopy diameter of 15 feet at maturity.
 - 3. Trees preserved during construction shall be satisfactory for the requirements of this section, provided that they are correctly located within a landscaped median, island, or peninsula.
- b. *Medians.* A minimum of 1 shade-providing tree should be provided every 30 feet within a median. Measurement shall begin at the end of the median and shall measure to and from the center of each trunk.
- c. *End Islands and Interior Islands.* One (1) shade-providing tree shall be planted within each island. If an island extends the length of two (2) parking spaces, two (2) shade-providing trees shall be planted within the island.
- d. *Peninsulas.* One (1) shade-providing tree shall be planted within each peninsula.
- e. Trees planted in compliance with this section shall be located in a landscaped area of at least 180 square feet with a minimum width of 8 feet, measured from the back of the curb.

(e) *Administration and Approval*

(1) The Applicant shall submit:

- a. A site plan showing all public right-of-way, structures, parking spaces, drive aisles, islands, peninsulas, medians, and trees.
- b. A narrative describing the scope of work, including the number and types of trees and other plants to be planted.

- c. A cost estimate for the landscaped medians, islands, and/or peninsulas.
- d. Basic calculations of the tree to parking space ratio.
- e. A Landscape Maintenance Agreement.

(2) Incentive Calculation.

- a. The City Engineer or designee shall verify tree to parking space ratio calculations and eligibility.
- b. Parking reductions shall be awarded based on site plans submissions and simple calculations.

(3) Final incentive approval shall be issued prior to the issuance of development approval.

(f) *Construction and Maintenance Requirement*

- (1) All parking spaces, islands, peninsulas, and medians used to obtain an incentive shall be constructed in accordance with approved plans.
- (2) The City may require the property owner to execute a maintenance agreement ensuring long-term upkeep of all landscaped areas.
- (3) The City may require financial security to ensure installation of approved landscaped areas.
- (4) Failure to maintain approved landscaped areas and plant life shall constitute a violation of this Ordinance and may result in financial penalty, as described in subsection (g).

(g) *Compliance and Enforcement*

- (1) In the event that the landscaped areas and plant life required for the parking reduction incentive are not maintained or are removed, the developer, owner, or their successors, heirs, or assigns shall be liable to the City for the following:
 - a. Immediate Cure: Failure to maintain the required landscaped areas and plant life shall be a violation of the site plan approval. The City may notify the owner, who shall have 30 days to remedy the noncompliance, which may include maintenance of landscaped areas and plant life and replacement of dead or dying trees or other plant life.
 - b. Penalty: Failure to remedy any noncompliance with this section shall be subject to financial penalty according to the time that has passed since the completion of construction:
 - 1. *Within 180 days of completion*: \$500
 - 2. *Between 180 days and 18 months*: \$300
 - 3. *After 18 months*: \$100
 - 4. The cumulative amount of the financial penalty shall not exceed a total of \$1,000.
 - 5. Each day any violation of this section continues shall constitute a separate offense.

6. The City shall notify the property owner that the 30-day period for immediate cure has elapsed and that financial penalties shall be applied daily until the noncompliance is remedied.
 7. No penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State.
 8. The fine shall be paid to the City within 30 days of written notice.
- c. Recording: These obligations shall be recorded as a restrictive covenant running with the land.

(h) *Relationship to Other Regulations*

- (1) Projects utilizing incentives shall comply with all applicable regulations, including local ordinances and state and federal requirements.
- (2) If any portion of this Section is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 12: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-315(c) is hereby amended to include the following subsections:

- (5) That the granting of such variance will not significantly heighten the risk of damage from flooding or wildfire for the subject and adjacent properties and structures.
 - a. Factors considered during this review shall include, but are not limited to:
 1. The relative location of the 100-year Floodplain, 500-year Floodplain, and Wildfire Risk Areas with respect to the lots in question;
 2. Presence and preservation of existing natural drainage features, including but not limited to creeks, wetlands, and ponds;
 3. Proposed stormwater management infrastructure; and
 4. For developments 5 acres in total lot area, the net change in runoff rate.

SECTION 13: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-315(d) is hereby amended to include the following subsections:

- (1) The sketch plan shall demonstrate the relationship of the site and structures to the 100-Year Floodplain, 500-Year Floodplain, and Wildfire Risk Areas.
- (2) The City of Los Fresnos desires to mitigate flooding and wildfire risk. When a proposed development is located in the 100-Year Floodplain and/or Wildfire Risk Area, the applicant shall provide documentation that identifies and describes these risks in adequate detail to support informed City risk review.

SECTION 14: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-315(i) is hereby amended to include the following subsections:

- (1) The commission may condition the granting of a variance on the construction or installation of such measures that the commission deems necessary to effectively mitigate risks related to flooding and fires.

SECTION 15: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-316(b) is hereby amended to include the following subsections:

- (1) If the particular lot or other proposal is located within the 100-Year Floodplain and/or Wildfire Risk Area, the application shall be accompanied by a sketch plan that demonstrates the relationship of the site and the structures to the 100-Year Floodplain, 500-Year Floodplain, and Wildfire Risk Area.
- (2) The City of Los Fresnos desires to mitigate flooding and wildfire risk. If the particular lot or proposal is located in the 100-Year Floodplain and/or Wildfire Risk Area, the applicant shall provide documentation that identifies and describes these risks in adequate detail to support informed City risk review.

SECTION 16: The City of Los Fresnos Code of Ordinances, Chapter 48 Zoning, Section 48-316 is hereby amended to include the following subsections:

- (m) *Review Criteria.* In determining whether to approve, approve with modifications or conditions, or disapprove amendments to the Official Zoning Map, the Commission and Council shall consider and make findings on the following matters regarding the proposed amendment:
 - (1) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
 - (2) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (the current zoning district);
 - (3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (the proposed zoning district);
 - (4) Availability of water and wastewater facilities suitable and adequate for the proposed use;
 - (5) That the proposed use will not significantly heighten the risk of damage from flooding or wildfire for the subject and adjacent properties and structures.
 - a. Factors considered during this review shall include, but are not limited to:
 1. The relative location of the 100-year Floodplain, 500-year Floodplain, and Wildfire Risk Areas with respect to the lots in question;
 2. Presence and preservation of existing natural drainage features, including but not limited to creeks, wetlands, and ponds;
 3. Proposed stormwater management infrastructure; and
 4. For developments 5 acres in total lot area, the net change in runoff rate.

SECTION 17. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 18. EFFECTIVE DATE: This Ordinance shall take effect upon passage and publication as required by law.

INTRODUCED AND APPROVED on the first reading this _____ day of _____, 2026.

APPROVED AND PASSED on the second reading this _____ day of _____, 2026.

Alejandro Flores, Mayor

ATTEST:

Jacqueline Moya, City Secretary