

ORDINANCE NUMBER 2613-10-2022(Z)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN BENITO , CHAPTER 10, (SUBDIVISION REGULATION) ARTICLE 10.02 SUBDIVISION ORDINANCE; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, Section 212 of the Texas Local Government Code authorizes the City of Benito to adopt rules governing plats and subdivisions of land within the City's jurisdiction to promote the health, safety, morals or general welfare of the City and the safe, orderly, and healthful development of the municipality; and

WHEREAS, pursuant to this authorization, the City of San Benito adopted Chapter 10.01 (Subdivision Ordinances) as part of the City of San Benito's Code of Ordinances to accomplish these purposes and to therefore serve the public; and

WHEREAS, The City Commission of the City of San Benito to make amendments and to simplify the subdivision code of ordinances to continue accomplishing these purposes and to better serve the public.

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

SECTION 1: That the Code of Ordinances of the City of San Benito Chapter 10 (Subdivision Regulation) is hereby amended by adding the following sections after Section 10.02.009:

A) Sec. 10.02.009.01 - Minor plat approval delegation.

The Department of Planning, upon receipt of a plat administratively filed under this section, shall verify the conditions set out below and upon verification thereof is hereby authorized to approve such a plat as provided under Texas Local Government Code § 212.0065.

To qualify for approval under this section, the plat must conform to the following requirements:

1. There are no more than four lots in the proposed subdivision;
2. All lots front on an existing dedicated public street;
3. The subdivision does not require the creation of any new street(s); and

all lots can be served by existing municipal facilities (water, sewer, drainage) In a manner consistent with master plans for capital improvements. Septic tanks can be accepted for sewer service if a variance is granted by COSB.

- a. All information necessary to make this determination must be provided to the Department of Planning for consideration. If any of the foregoing conditions of this section are not met in such proposed subdivision, then the plat shall be processed as otherwise provided by City Code.

B) Sec. 10.02.009.02 - Exemptions to platting requirements.

- A) Property that was divided into its current configuration prior to February 14, 1995 and has not had a change in boundaries since such time can be exempted from platting requirements if the owner can provide proof of such. A recorded property deed dated prior to that date with a metes and bounds or legal description exactly matching the current property would constitute the necessary proof.
- B) The Director/Manager of Planning and Development shall determine the subdivision exemption status of a tract of land upon receipt of a completed application form and accompanying documents by the property owner or authorized agent. The Director/Manager of Planning and Development will create the application form and its format. The application form shall be accompanied by the following documents:
- (1) Warranty deeds for the subject tracts indicating date of last conveyance,
 - (2) Evidence of a building on the subject tract prior to the effective date of February 14, 1995, if applicable,
 - (3) Current tax certificates,
 - (4) Survey of the tracts showing property line, right-of-way widths, easements, proposed partition and existing improvements, signed and sealed by a registered public surveyor,
 - (5) Separate instruments dedicating additional right-of-way along perimeter streets in accordance with the major thoroughfare plan with appropriate recording fees (or provide recorded copy), and
 - (6) Upon receipt of all applicable data and upon determination that such tract is exempt from subdivision, the Director/Manager of Planning and Development can issue a letter of determination that the tract satisfies the exemption requirements of this section.

FIRST READING of this ordinance before the City Commission of the City of San Benito at its Regular City Commission Meeting on this the 18th day of October, 2022.

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 1st day of November, 2022.

CITY OF SAN BENITO



Honorable Ricardo Guerra
Mayor



ATTEST:



Ruth A. McGinnis
City Secretary