



VG-1413-2023-16712

Cameron County
Sylvia Garza-Perez
Cameron County Clerk

Instrument Number: 2023-16712

Real Property Recordings

Recorded On: May 11, 2023 04:12 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$48.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 16712
Receipt Number: 20230511000162
Recorded Date/Time: May 11, 2023 04:12 PM
User: Danielle C
Station: CCLERK19_10

Record and Return To:

CITY OF SAN BENITO ADM ACCT
401 N SAM HOUSTON
SAN BENITO TX 78586



STATE OF TEXAS
Cameron County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Cameron County, Texas

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

ORDINANCE NUMBER 2252-B

AMENDING ORDINANCE NUMBER 2252 AND SECTIONS OF THE CODE OF ORDINANCES THAT PERTAIN TO CONDITIONAL USE PERMITS, AND CODIFIED IN THE CODE OF ORDINANCES IN CHAPTER 14, SECTION 14.2 AND SECTION 14.05 (B) AND (F), PERTAINING TO "CONDITIONAL USE PERMIT", CHAPTER 15 SECTION 15.04 (A) ZONING BOARD OF ADJUSTMENTS AND CHAPTER 16 TO ADD SECTION 16.05, AND REPEALING ANY OTHER ORDINANCES IN CONFLICT THEREWITH, AS PROVIDED BY THE CITY OF SAN BENITO AND PROVIDING FOR AN EFFECTIVE DATE.

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

This ordinance is for the purpose of amending sections of the Code of Ordinances that pertain to Conditional Use Permits.

Section I

Amending Ordinance Number 2252 as codified in the City's Code of Ordinances in Chapter 14, Conditional Use Permit, Section 14.02, Permit Required;

Repealing the following verbiage located under Section 14.02 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 imposed by the Board of Adjustments.

And replacing with the following:

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 II

Amending Ordinance Number 2252 as codified in the City's Code of Ordinances in Chapter 14, Conditional Use Permit, Section 14.05, Prerequisites for Approval by the Board (B);

Repealing the following title and verbiage located under (B) Prerequisites for Approval by the Board:

- B. The Board of Adjustments after receipt of report and recommendations by the Director of Planning and Community Development, may permit a conditional use subject with appropriate conditions and safeguards, when, after public notice and a hearing, the Zoning Board of Adjustments and Appeals finds:
 - 1. That the proposed use meets all the minimum standards established in this ordinance for these types of uses;
 - 2. That 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. That the proposed use will not be detrimental to the health welfare, and safety of the surrounding neighborhoods, occupants or property;
 - 4. That the use is consistent with the purpose of the zoning district;
 - 5. That the value of the adjoining property will not be negatively impacted greater than that anticipated from other permitted uses in this district;
 - 6. That the proposed use is in harmony with the surrounding land use;
 - 7. That public services and facilities are adequate to serve the proposed use;

And replacing with the following title and verbiage:

Prerequisites for recommendation by the Planning and Zoning Commission:

- 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:
 - 8. That the proposed use meets all the minimum standards established in this ordinance for these types of uses;
 - 9. That 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;

10. That the proposed use will not be detrimental to the health welfare, and safety of the surrounding neighborhoods, occupants or property;
11. That the use is consistent with the purpose of the zoning district;
12. That the value of the adjoining property will not be negatively impacted greater than that anticipated from other permitted uses in this district;
13. That the proposed use is in harmony with the surrounding land use;
14. That public services and facilities are adequate to serve the proposed use;

Section III

Amending Ordinance Number 2252 as codified in the City's Code of Ordinances in Chapter 15, Zoning Board of Adjustments, Section 15.04, Conditional Use Permit and Variance Application Procedure;

Repealing the following title and verbiage located under 15.04 Conditional Use Permit and Variance Application Procedure:

Conditional Use Permit and Variance Application Procedure:

- A. After determination a variance or conditional use permit is required, an application for a hearing with the Board of Adjustments will be completed by the applicant. A non-refundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a re-notification fee. Tax receipts will be required.

And replacing with the following title and verbiage:

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 non-refundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a re-notification fee. Tax receipts will be required.

Section IV

Amending Ordinance Number 2252 as codified in the City's Code of Ordinances in Chapter 16, Planning and Zoning Commission, add Section 16.05, Conditional Use Permit Application Procedure;

Add the following title and verbiage 16.05 Conditional Use Permit Application Procedure:

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 non-refundable charge will apply. In the event an item is tabled at the request of the applicant, there will be a re-notification 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) days prior to the public hearing. The agenda will be posted 72 hours in advance.

Section V. 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 21st day of March, 2023.

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 18th day of April, 2023.

CITY OF SAN BENITO



Honorable Ricardo Guerra
Mayor

ATTEST:


Ruth A. McGinnis
City Secretary

FILED FOR RECORD
AT 4:12 O'CLOCK P M

MAY 11 2023

SYLVIA GARZA-PEREZ
CAMERON COUNTY CLERK
DOE No. 2023-110712
By [Signature] Deputy