

ORDINANCE NO. 01-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY REPEALING IN ITS ENTIRETY THE EXISTING CITY OF HARLINGEN SUBDIVISION ORDINANCE NO. 78-58, CODIFIED AS TITLE XV: CHAPTER 156, CODE OF ORDINANCES OF THE CITY OF HARLINGEN, AND ENACTING A NEW SUDIVISION ORDINANCE BEARING THE SAME CHAPTER NUMBER, AND INCLUDING A PURPOSE CONSISTENT WITH THE COMPREHENSIVE PLAN, UPDATED DEFINITIONS, ESTABLISHING SUDIVIDING AS ONE SERIES OF PERMITS, DELEGATING MINOR PLAT APPROVAL TO STAFF, INCREASING PLAT FEES, REQUIRING SUBMISSION OF SUBDIVISION PLATS ON DISKETTE AND HARD COPY, ESTABLISHING FORMAL SUBMISSION DATE, AMENDMENT PROCEDURES, DEFINITION OF PLATTING EXEMPTIONS AND ESTABLISHMENT OF APPLICATION FOR DETERMINATION OF EXEMPTIONS, ALLOWING PRIVATE STREETS AS ACCESS UPON PLANNING & ZONING COMMISSION APPROVAL, REDUCING ALLOWABLE STREET WIDTH TO 33' ON LOOPED OR CUL-DE-SAC STREETS, ESTABLISHING CROSS STREET DISTANCE MAXIMUMS, REQUIRING CORNER CLIPS, DECREASING EASEMENTS TO TEN FEET, PROVIDING FOR MODEL HOME CONSTRUCTION, INCLUDING CONSTRUCTION SPECIFICATIONS, SIMPLIFICATION OF FINANCIAL GUARANTEES, COST PARTICIPATION FOR PERIMETER STREET OPTIONS, DRAINAGE ASSESSMENTS, PROVIDING FOR VARIANCE APPLICATION PROCESS AND FEES, REQUIRING 4/5^{THS} VOTE OF CITY COMMISSION TO OVERTURN PLANNING & ZONING COMMISSION DECISION ON A VARIANCE, INCLUDING PENALTY AND ENFORCEMENT PROVISIONS, AND ESTABLISHING EXHIBITS A-T; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

Whereas, the current subdivision ordinance of the City of Harlingen is in need of revision because of changes in development techniques, subdivision development concepts and the increased cost of installation of streets, curbs, gutters, storm sewers, alleys, sidewalks; and

WHEREAS, consumer demands for new types of residential and commercial lots have been brought to the attention of the Commission of the City of Harlingen; and

Whereas, increased growth of expenses has necessitated revision and reevaluation of traditional concepts of subdivision development within the City of Harlingen, and within the extraterritorial jurisdiction of the city including flood control, the installation of sanitary sewers, the facilitation of movement of vehicular traffic; and

Whereas, it appears it is in the best interest of the health, safety and welfare of the citizens of the City of Harlingen to consider revision of the present subdivision ordinance by enactment of a new subdivision ordinance; now therefore be it ordained by the City of Harlingen that Chapter 26 of the Code of Ordinance of the City of Harlingen be read hereafter as follows:

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: The City of Harlingen Subdivision Ordinance (Ordinance No. 78-58), as amended is hereby repealed in its entirety and replaced by the new Subdivision Ordinance attached as “Exhibit A” which incorporates updated subdividing information.

SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

FINALLY ENACTED this _____ day of _____, 2001, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE,

CHAPTER 551.

CITY OF HARLINGEN

C. Connie de la Garza, Mayor

ATTEST:

Sylvia R. Trevino, City Secretary

Section 1: General Administration

Section 1.1 Authority and Scope of Rules

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, by the City of Harlingen, Cameron County, Texas, under the authority of the Local Government Code, Chapter 212 and Water Code, §16.350.

Section 1.2 Purpose

These regulations are adopted for the following purposes:

- To promote the public health of the city's residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the corporate limits and extraterritorial jurisdiction of the city, and to establish the minimum standards for water and wastewater facilities.
- To provide for and protect the orderly, safe and healthful development of the area within the City and within the area surrounding the City.
- To promote the health, safety and general welfare of the community.
- To guide the future growth and development of the municipality in accordance with the currently adopted Comprehensive Plan of the City.
- To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger.
- To prevent overcrowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- To facilitate the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings.
- To provide for the proper location and width of streets and building lines.

Section 1.3 Severability

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.