

SECTION 3: ADMINISTRATION

Section 3.01 Certificate of Occupancy and Compliance

1. No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use, and no land may be used, nor shall any basic change of use in land or structure be made until a Certificate of Occupancy and Compliance shall have been issued by the Building Inspector of the City of Harlingen stating that the building or the proposed use of land or building complies with provisions of this ordinance and other building laws of the City of Harlingen, Texas.
2. A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land, provided such construction or change has been made in complete conformity to the provisions of this ordinance. All existing or hereafter created non-conforming uses shall obtain a Certificate of Occupancy within six (6) months of the effective date of this ordinance. An Occupancy Permit shall be considered evidence of the legal existence of a non-conforming use as contrasted to an illegal use in violation of this ordinance.
3. A Certificate of Occupancy shall state that the building or proposed use of a building or land, has complied with all the building or health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building Inspector, and copies shall be furnished, on request to any person having a proprietary or tenancy interest in the land or building affected.

Section 3.02 Completion of Building Under Construction

Nothing herein contained shall require any change in plans, construction or designed use of a building actually under construction at the time of the passage of this ordinance and which the entire building shall be completed within one (1) year from the date of the passage of this ordinance.

Section 3.03 Amendments to the Zoning Ordinance

1. Any person or corporation having a proprietary interest in any property may petition the City Commission for a change or amendment to the provisions of this ordinance, or the City Planning and Zoning Commission may, on its own motion, or on request from the City Commission institute a study and proposal for changes and amendments in the public interest.
2. The City Commission may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established as provided by the statutes of the State of Texas.

3. Before taking any action on any proposed amendment, supplement or change, the City Commission shall submit the same to the City Planning and Zoning Commission for its recommendation and report.
4. The City Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and reports to the City Commission. Written notice of all public hearings before the City Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners or real property lying within two hundred (200) feet of the property on which the change is requested. Notice of such hearing shall also be given by publishing the time and place of such hearing in the local paper of record. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved City Tax roll.
5. A public hearing shall be held by the City Commission before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
6. A proposed amendment, supplement or change may be officially protested after action is taken by the Planning and Zoning Commission at the time it goes to the public hearing with City Commission by filing with the City Secretary a written and duly signed petition from the owners of twenty percent (20%) or more either of:
 - a. the area of the lots or land covered by the proposed change; or
 - b. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area

Such amendment shall not become effective except by a four-fifths (4/5ths) vote of the governing body of the City of Harlingen, Texas. In determining the property included in the two hundred (200) foot radius all measurements shall begin at the property line of the lots in the proposed zoning change.

7. If a rezoning request for a particular tract of property is made to the City Commission after standard Planning and Zoning procedure, and such request for whatever reason, fails to be enacted by the City Commission by passing an ordinance pursuant to this Zoning Ordinance, such rezoning request may be considered a second time by the City Commission after such request has been resubmitted to Planning and Zoning Commission for its recommendation pursuant to the provisions of this Zoning Ordinance. If such rezoning request is not enacted by the City Commission upon said second submission, such request shall not be re-submitted to the Planning and Zoning Commission or the City Commission for an intervening six month period following the date of the denial of such second submission to the City Commission.
8. Any persons, jointly or severally, aggrieved by any decision of the Planning and Zoning Commission, may present to the City Commission a petition, setting forth that such decision

is unjust, in whole or in part, and specifying the grounds of injustice. Such petition shall be presented to the City Secretary within ten days after the final decision of the Planning and Zoning Commission, and not thereafter, for notification and calling of a public hearing to hear and act on the appeal.

Section 3.04 Temporary Zoning - Annexed Territory

1. All territory hereafter annexed to the City of Harlingen shall be temporarily classified as N-Not Designated District, until permanent zoning is established by the City Commission of the City of Harlingen. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.
2. In an area temporarily classified as N-Not Designated:
 - (a) No person shall erect, construct or proceed or continue with the erection, or construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Harlingen without first applying for and obtaining a building permit or certificate of occupancy therefore from the Building Inspector or the City Commission as may be required herein.
 - (b) No permit for the construction of a building or use of land shall be issued by the Building Inspector other than a permit which will allow the construction of a building permitted as a use by right or with a specific use permit in the N-Not Designated District as indicated in Section 5, unless and until such territory has been classified in a Zoning District other than the "N" by the City Commission in the manner provided by law except as provided in (c) hereunder.
 - (c) An application for a permit for any other use than that specified in (b) above shall be made to the Building Inspector of the City of Harlingen and by him referred to the Board of Adjustment for final disposition in compliance with Section 18.

Section 3.05 Classification of New and Unlisted Uses

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the City of Harlingen. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (a) The Building Inspector, or duly appointed representative, shall refer the question concerning any new or unlisted use to the City Planning Commission requesting an interpretation as to the zoning classification into which use should be placed. The referral of the use interpretation questions shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount or nature thereof, enclosed or open

storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

- (b) The City Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- (c) The City Planning and Zoning Commission shall transmit its findings and recommendations to the City Commission as to the classification proposed for a new or unlisted use. The City Commission shall by resolution approve the recommendation of the City Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

Section 3.06 Platting Property Not Previously Zoned

1. The Elective Commission of the City of Harlingen shall not approve any plat of any subdivision within the city limits of the City of Harlingen until the area covered by the proposed plat shall have been approved for appropriate action by the City Planning and Zoning Commission.
2. The City Planning and Zoning Commission of the City of Harlingen shall not approve any plat of a subdivision within an area where a petition or ordinance for annexation or a recommendation for annexation to the City of Harlingen is pending before the City Commission unless by resolution of the City Commission.
3. In the event the Planning and Zoning Commission holds a hearing on proposed annexation, it may at its discretion, at the same time hold a hearing upon the zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the City Commission so that the City Commission if it desires, can act on the matter of zoning and annexation at the same time.
4. The provisions of this section shall have no effect upon the platting and subdividing ordinance of the City of Harlingen.

Section 3.07 Compliance Required

All land, buildings, structures or appurtenances thereon located within the City of Harlingen, Texas, which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the Zoning District in which such land or building is located except as hereinafter provided.

Section 3.08 Fees

<u>Documents</u>	<u>Fees</u>
Comprehensive Plan with Appendices	\$ 50
Comprehensive Plan Summary	35
Zoning Ordinance	15
Subdivision Ordinance	15
Map Prints:	
24" x 36"	7.50
11" x 17"	5.00
Developer's Guide	-0-
Informational Pamphlets on various processes	-0-
<u>Processes</u>	<u>Fees</u>
Mobile Vendor's Permit	\$ 10
Rezoning	125
Re-Notification fee for Rezoning*	65
Specific Use Permit (SUP)	125
SUP with alcohol or sexually oriented business	125
SUP renewal	75
Re-Notification fee for SUP*	65
Subdivision	
Preliminary Plat	100
Final Plat	50
Variance	25
Variance (ZBA)	125
Re-Notification fee for Variance*	65

* Re-Notification fees are applicable only when the **applicant** requests the item to be tabled or held for a meeting other than the original submission date and if newspaper notification has already been sent.

(These fees are subject to change. The figures above were last revised 08/01.)