

ORDINANCE NO. 4006

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 16-47 THEREBY ESTABLISHING VARIANCE AND APPEAL PROCEDURES FOR THE EXTENSION OF WATER MAINS FOR DEVELOPMENTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 16 of the Code of the City of Mesquite, Texas, is hereby amended by adding a new Section 16-47 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 16-47. Variance and appeal procedures.

- (a) *Variances.* Variances to Sections 16-33 to 16-37 for the extension of water mains for developments that abut more than one public street shall be submitted to the City Engineer. Variances will only be considered if the development meets all of the following criteria:
- (1) The development is proposed as one platted lot.
 - (2) The development has frontage on two parallel public streets and one of the public streets is classified as a local or residential street.
 - (3) The development is not a corner lot.
 - (4) The lot depth is less than 500 feet.
 - (5) All water quality and fire protection requirements are met.
 - (6) A water line per the City's water master plan exists or is proposed for extension along the entire frontage of the arterial or collector streets.
 - (7) A water line is proposed to be run through the property between both public streets with a fire hydrant installed along the local or residential street.

A request for variance shall be in writing and shall be accompanied by a fee to defray the administrative cost of processing the request for variance in the amount shown in the current fee schedule as adopted by City Council.

The City Engineer shall review the request for variance and issue a report summarizing his findings and recommendations to include any conditions to the City Manager or his designee. The City Manager shall review the City Engineer's report,

recommendations and conditions, hear other evidence or testimony as he deems pertinent, and approve the variance with conditions or deny the request for variance. The decision of the City Manager shall be provided in writing to the applicant requesting the variance.

- (b) *Appeals.* The decision of the City Manager may be appealed to the City Council. The City Council shall have the authority to sustain, reverse or modify the decision of the City Manager. The decision of the City Council shall be final and recorded in the minutes of the City Council meeting.
- (c) *Time Limits.* A variance granted pursuant to this section shall expire one year from the date of the granting of the variance if a permit is not approved and issued and work begun within that time. Should a building permit be issued and diligent work ceases for a period of more than 90 days, the variance approval shall lapse and be deemed void.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provisions of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th of November, 2008.




John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney