

00169

RESOLUTION NO. 4-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING CERTAIN PROCEDURES AND CONDITIONS FOR TEMPORARY BUILDING VARIANCES AND EXTENSIONS AND PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed advisable to adopt written procedures and conditions for temporary building variances and extensions; and,


WHEREAS, it is proper to establish criteria for the granting of temporary building variances and extensions;

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

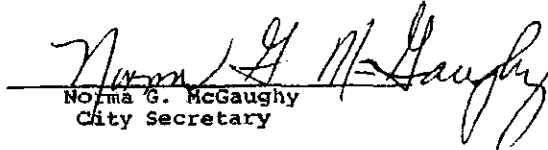
SECTION 1. That the attached procedure and conditions for temporary building variances and extensions be and the same is hereby adopted as the official procedure to be followed in the granting and review of temporary building variances and extensions.

SECTION 2. That this resolution take effect immediately upon passage as the Charter in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 17th day of January, A.D., 1977.


Bob Beard
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

00170

PROCEDURE AND CONDITIONS FOR
TEMPORARY BUILDING VARIANCES AND EXTENSIONS

Variations to permit the temporary use of buildings not meeting the requirements of permanent structures shall be granted upon the following condition:

The applicant for use of a temporary building shall request appearance before the Council and shall present reasons why good cause exists for usage of a temporary building, together with such information as the Council may require.

Upon satisfactory evidence of good cause, the City Council may grant a variance for the use of a temporary building subject to inspection and approval of the staff as to electrical and fire code requirements and other City requirements not varied.

A specific time may be imposed upon such use or the time may be left open subject to future review.

Where the time is left open, the grant of variance shall be subject to the following:

Annual review and report to the Council by the staff of continued use, any change in condition of the structure or usage or other problems observed that would adversely affect the public safety, health or welfare of the City.

This annual review and report by staff would be an annual event during a particular month of the year rather than one year from date of issuance of the permit.

00171

In addition, should complaints be received or the staff note problems requiring action of the Council, a report shall be made at the time of such rather than at the annual report period.

Prior to the annual report, the staff shall review the condition and use of the building and notify the user of any corrections required. If no violations or problems exist or if same shall have been corrected prior to the annual report, the variance shall automatically extend to the report period of the following year or interim reports as heretofore provided and it shall not be necessary for the applicant to reappear before the City Council.

Should the applicant fail to make necessary corrections or disagree on any corrections required by the staff, the approval shall not be automatically extended but the applicant shall appear before the Council and request extension as in case of the original grant.

Provided, however, that the automatic extension shall not exceed three years. Should an applicant require more than three years use, he shall appear before the Council prior to the expiration of the third year and show good cause for any additional extension.

Variances, other than those with a specified time limit, shall not run for one year from issuance, but shall run from time of issuance to the next annual report period, unless issued within thirty (30) days of a report period, and from one report period to the following report period or interim report.

00172

All existing variances for temporary buildings, regardless of terms of issuance, are hereby incorporated under the terms hereof and the same procedures and conditions shall apply as if such had been granted under these terms and conditions.

Variances granted hereunder shall be deemed a privilege temporary in nature and no vested interest is created by the granting of same adverse to the health, welfare and safety of the citizens of the City of Mesquite.