

ORDINANCE NO. 375

AN ORDINANCE OF THE CITY OF WALLER, TEXAS, AMENDING ORDINANCE NO. 353, ADOPTED ON AUGUST 13, 2007; BY ADDING A NEW SUBSECTION D TO SECTION 10 OF SUCH ORDINANCE, PROVIDING A VARIANCE PROCEDURE FOR NONCONFORMING MOBILE HOMES, MANUFACTURED HOME PARKS, AND MANUFACTURED HOME SUBDIVISIONS; PROVIDING A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

Section 1. Ordinance No. 353 of the City of Waller, Texas, adopted on August 13, 2007, is hereby amended by adding a new Subsection D to Section 10 to provide as follows:

“Section 10. Nonconforming Mobile Homes, Manufactured Home Parks and Manufactured Home Subdivisions.”

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D. *Variance.* A variance from any such rule or regulation may be granted for nonconforming mobile homes, manufactured home parks, and manufactured home subdivisions, by the City Council, upon good and sufficient showing by the owner that:

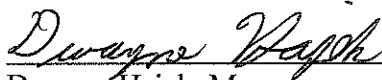
- (1) There are special circumstances or conditions affecting the property in question;
- (2) That enforcement of the provisions of this Section will deprive the applicant of any reasonable use of the property; and
- (3) That if a variance is granted, it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests, standing alone, shall not be considered as a basis for the granting of a variance. No application for a variance will be considered unless submitted in writing no later than the date the application for final plat approval is submitted.”

Section 2. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 3. **Severability.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Waller, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 10th day of March, 2008.



Dwayne Hajek, Mayor

ATTEST:



Jo Ann London, City Secretary