

ORDINANCE NO. 2025-15

AMENDING CHAPTER 1 ARTICLE 1.20 UNIFORMITY OF REQUIREMENTS

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.20 “UNIFORMITY OF REQUIREMENTS”, AMENDING SECTION 1.20.015 APPEAL OF BOARD OF ADJUSTMENT TO APPEAL OF CITY COUNCIL, AMENDING SUBSECTION (A) AND (C), REMOVING SUBSECTION (B) AND (D); AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Bastrop, Texas (the “City”) is a home rule municipality located in Bastrop County, Texas seeks to promote orderly, safe, and reasonable development of land within the City Limits and Extraterritorial Jurisdiction (“ETJ”); and

WHEREAS, the City Council supports the rights of private property owners and advocates clarity, predictability, and efficiency in the City’s regulatory program; and

WHEREAS, generally, the right to develop property is subject to intervening regulations or regulatory changes; and

WHEREAS, the Texas Local Government Code Chapter 245 provides an opportunity for landowners or developers to “grandfather” or “vest” government regulations that apply to development at the time of the filing of a permit application; and

WHEREAS, The City’s Code of Ordinance Chapter 1, General Provisions, Article 1.20 Uniformity of Requirements was established to provide a framework within which property owners and the City can determine what projects have obtained Grandfathered Development Status under certain regulations; and

WHEREAS, the City finds it necessary to review and amend certain aforementioned codes to meet changing conditions and are in the best interest of the City amending the appeal of the City Manager from the Board of Adjustment to the City Council; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Bastrop held in strict compliance with the

Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1. Findings of Fact. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment. Chapter 1 Article 1.20, Section 1.20.015 is hereby amended as set forth with underlines being additions, double underlines being moved text, and ~~strikethroughs~~ being deletions.

Sec. 1.20.015 Appeal to City Council Board of Adjustment.

- (a) If any person believes that the City Manager's determination under this section is in error, the person shall have the right to appeal such determination to the City Council ~~city's Zoning Board of Adjustment ("ZBA").~~ To be actionable, an appeal must be filed with the City Council ZBA in writing within fifteen (15) business days of the date of the City Manager's determination or the date of the City Manager's automatic denial. The written request for an appeal must include:
- (1) A statement that the appellant sought an appeal from the City Manager, and that the appeal:
 - (A) Was denied; or
 - (B) Yielded an erroneous determination regarding the project's eligibility for grandfathered development status.
 - (2) A statement of the reasons why the determination should be reversed or modified;
 - (3) An explanation of the legal and factual grounds of the appeal; and
 - (4) Payment of the appeal fee established by the City Council, as codified in the city's fee schedule.
- ~~(b) The appellant may also request that the ZBA grant a variance from the regulations at issue under the same standards governing variances for other matters, as set forth in the city's code of ordinances, as amended.~~
- (be) The City Council ZBA shall convene a meeting and act upon an appeal within thirty (30) days of receipt of a written appeal that conforms to this section. If the City Council ZBA fails to make a written determination within thirty (30) days after an appeal has been received, then the appeal is deemed to have automatically been denied.
- ~~(d) Notice and a public hearing shall be provided for as established in the code for zoning variance requests.~~

Section 3. Enactment. Chapter 1, Section 1.20 of the City of Bastrop Code of Ordinances is hereby amended so to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

Section 4. Codification. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

Section 5. Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon a second reading.

Section 6. Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 7. Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

READ & ACKNOWLEDGED on First Reading by the City Council of the City of Bastrop, on this, the 25th day of February 2025.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, on this, the 11th day of March 2025.

APPROVED:

by: _____
John Kirkland, Mayor Pro-Tem

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney