

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 14, THE BASTROP BUILDING BLOCK (B3) CODE, ARTICLE 9.2 CATEGORIES OF PRESERVATION ESTABLISHING STANDARDS AND PROCEDURES; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop has general authority to amend an ordinance that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City adopted Ordinance 98-42 creating the Historic Landmark Preservation Ordinance, in recognition of the need and desire to preserve and maintain historic structures within the City; and

WHEREAS, Ordinance 98-42 was amended by Ordinance 2003-12, Ordinance 2007-30 and Ordinance 2018-03 to continue and strengthen historic preservation through creating incentives; and

WHEREAS, the City Council find that certain amendments to the aforementioned ordinances are necessary and reasonable to meet changing conditions and are in the best interest of the City.

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

Section 1. Finding 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 To Bastrop Building Block Code (B3), Section 9.2.003 of the Bastrop Building Code is hereby amended to remove the requirement of a public hearing before City Council, as a public hearing takes place before the Historic Landmark Commission, and shall read in accordance with Exhibit "A", which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any struck-through text shall be deleted from the Code, as shown in each of the attachments.

Section 3. 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 4. 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 5. 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 26 day of March 2024.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, on this, the 09 day of April 2024.

APPROVED:

by: _____
Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A – Amendment to;
City of Bastrop
Code of Ordinances Chapter 14
Bastrop Building Block (B3) Code
Chapter 9 ; Historic Landmark Preservation & Iredell District
Article 9.2 Categories Of Preservation

SEC. 9.2.003 PROCESS FOR DESIGNATION OF HISTORIC LANDMARKS

- (a) Owners of property being considered for designation as a Historic Landmark shall be notified prior to the Historic Landmark Commission hearing on the recommended designation. The Historic Landmark Commission shall provide notice to property owners within 200 feet of the property and conduct a public hearing.
- (b) After consideration by the Historic Landmark Commission, a recommendation regarding designations shall be submitted the City Council to ~~conduct a public hearing and~~ consider the designations of a Historic Landmark. The adoption of the landmark shall be through a resolution.
- (c) Upon designation of a Historic Landmark, the City Council shall cause the designation to be noted as follows:
 - (1) Recorded in the official real property records of Bastrop County.
 - (2) Designated on the historic resource map of the City.
 - (3) Provide the property owner with a plaque and require the installation indicating the designation of the landmark as a City Historic Landmark.