



# STAFF REPORT

**MEETING DATE:** July 11, 2023

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2023-16 of the City Council of the City of Bastrop, Texas, amending Chapter 14 of the Bastrop Code of Ordinances, the B3 Code, Chapter 2, Article 2.4, Section 2.4.007, providing for a supermajority vote of Council to approve a zoning change for which a unanimous P&Z recommended denial; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager

**BACKGROUND/HISTORY:**

The B3 code as adopted, provides for a required five (5) affirmative votes from planning commission to make a recommendation to the city council. A simple majority is required of Council to approve.

In accordance with the Texas Local Government Code 211.006 PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES, the code allows for a municipality to adopt, by ordinance, a required supermajority of City Council to overrule a recommended denial of the Planning and Zoning Commission.

*“(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality’s zoning commission that a proposed change to a regulation or boundary be denied.”*

As we move forward with various amendments and the creation of a development code that is pragmatic and works for the City of Bastrop, it is important to protect the residents when, such a showing of support to prevent or deny a change is so apparent, that a unanimous vote of the planning commission ends in a recommendation of denial to the City Council. That protection comes in the form of a required super majority, or 4 of the 5 city council members, be required to overturn a recommended denial of the Planning and Zoning Commission.

This amendment is consistent with state law.

**FISCAL IMPACT:**

\$0

**RECOMMENDATION:**

Recommend approval.

**ATTACHMENTS:**

1. B3 Code Changes
2. Texas Local Government Code
3. Ordinance