

nonconforming use may not be changed to another nonconforming use.

(e) Restoration of Nonconforming Structure:

(1) If a Structure occupied by a nonconforming use is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Code. In the case of partial destruction of a nonconforming Structure not exceeding 50% of its total appraised value as determined by the Bastrop County Central Appraisal District, Reconstruction will be permitted, but the existing square footage or function of the nonconforming use cannot be expanded.

(f) Completion of Structures:

(1) Nothing herein contained shall require any change in the plans, Construction, or designated use of:

- A. Buildings or Structures that a building permit has been issued or a Site Plan approved prior to the effective date of the adopted B³ Code, or
- B. A Building or Structure for which a complete Application for a building permit was accepted by the Building Official on or before the effective date

of these Standards, provided however that such building permit shall comply with all applicable Codes of the City effective on the date such Application was Filed.

SEC. 2.4.002 PLANNING & ZONING COMMISSION

(a) General:

The Planning & Zoning Commission shall function according to the following criteria that establishes membership and operating procedures.

(b) Created Membership, Officers and Alternates:

(1) There is hereby created, in accordance with Subchapter 211.007 of the Texas Local Government Code and the City's Charter, a Planning & Zoning Commission that shall consist of 9 citizens who reside in the City Limits. Members shall be appointed by the Mayor and confirmed by City Council for a term of 3 years. Terms of 1/3 of the Planning & Zoning Commission shall expire each year upon September 30th, or until a successor is appointed. Vacancies and unexpired terms of members shall be filled by the appointment of the Mayor and confirmed by City Council. These appointments shall be for the remainder of the term.

- (2) Members may be removed from office at any time by a majority vote of the City Council for any reason. All members serve without compensation.
- (3) Attendance requirements for the Planning & Zoning Commission members are set forth in the Code of Ordinances, Section 1.02.002(b), et seq.
- (4) The City staff shall keep minutes of all meetings held by the Planning & Zoning Commission and full record of all recommendations to be made by the Planning & Zoning Commission to the City Council. Minutes shall constitute a report and record of all Planning & Zoning Commission meetings, including hearings.
- (5) A Chair and Vice-chairman shall be elected by the Planning & Zoning Commission from its membership, each to hold office for 1 year or until replaced by a majority vote of the Planning & Zoning Commission.
- (6) Members of the Zoning Board of Adjustment (ZBA) serve as alternates to the Planning and Zoning Commission.
- (7) Additional alternates may be appointed by the Council when it's deemed necessary and occurs in the same manner as the appointment of members.

(c) Quorum and Voting:

- (1) Five members of the Planning & Zoning Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of 1 vote each, a quorum being present.
- (2) All actions by the Planning & Zoning Commission shall be by a majority vote of those members present and an affirmative vote of 5 members shall be necessary for the passage of any recommendation to the City Council.

(a) A unanimous vote of the Planning & Zoning Commission shall require a super majority of the City Council to overturn a recommendation of denial.

- (3) If any member has a conflict of interest, as defined by Chapter 171 of Local Government Code, in review of any item on the Planning & Zoning Commission's agenda, the member shall state such for the record and abstain from any discussion and from voting on the matter.

(ci) Meetings:

- (1) The Planning & Zoning Commission shall convene for regular meetings on the last Thursday of January through October, and on the last Thursday prior to Thanksgiving and Christmas holidays in November and December.

(2) The meetings shall be in the City Hall or other specified locations as may be designated by the Chair or Vice Chair, in the absence of the Chair. Special meetings shall be held at such intervals as may be necessary to orderly and properly transact the business of the Planning & Zoning Commission as called by the Chair or the Director of Planning & Development.

(e) Powers and Duties:

- (1) The Planning & Zoning Commission shall be an advisory body to the City Council and shall make recommendations regarding amendments to the Comprehensive Plan, changes of Place Type Zoning and shall be the final authority for certain plats, as specified in Chapter 1, and they may review and recommend other planning related matters.
- (2) The Planning & Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and the B³ Code and be prepared to make such recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan and B³ Code current with the needs and uses of the City. The Planning & Zoning Commission shall serve in an

advisory capacity on any planning related item(s) in the City.

(f) Procedure on Place Type Zoning Hearings:

- (1) The procedure and process for Place Type Zoning changes and/or amendments shall be completed in accordance with Section 2.4.005 - Changes & Amendments to All Zoning Ordinances and Districts, and in accordance with Chapter 211 of Local Government Code.

SEC. 2.4.003 ZONING BOARD OF ADJUSTMENTS (ZBA)

(a) Creation:

There is hereby created and established a Board to be called the City of Bastrop Zoning Board of Adjustment (ZBA). The ZBA shall hear Appeals from Administrative decisions regarding Zoning, and in appropriate cases, subject to appropriate conditions and safeguards, may authorize Variances from the terms of City of Bastrop B³ Code.