



STAFF REPORT

MEETING DATE: June 27, 2023

TITLE:

Consider action to approve the second reading of Ordinance No. 2023-11, of the City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances Chapter 14, of the Bastrop Building Block (B3) Code, Article 2.4 Administration, Sec. 2.4.001(c) (1), and (4) Nonconforming Uses and Structures; (d) hanging Nonconforming Use (1) (a) (i) (b) and (e); and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting.

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

BACKGROUND/HISTORY

All changes in zoning cause a certain structure, uses, or buildings to be designated as non-conforming status. The B3 code, as adopted, is no different and, requires all existing uses and structures who do not meet the B3 standard to be considered nonconforming, also known as Nonconforming uses are intended to move the community into current planning, building code, and design standards.

An unexpected consequence of the B3 code was the disparate impact it would have on residents in predominantly low-income areas, or the large extent of the town that would be considered nonconforming and what that actually would mean to residents.

This item was originally heard by City Council on April 11, 2023, and staff was directed to get input from the planning and zoning commission in regard to the proposed administrative relief that could be determined within a 200' radius of the Nonconforming structure, use, or lot. Assistant City Manager Job workshopped "Continued lawful use of a nonconforming structure" with the City of Bastrop Planning and Zoning Commission twice in the month of May.

During the workshop all of section 2.4.001 Nonconforming Uses and Structures was discussed in an effort to provide increased administrative relief for nonconforming structures, uses, and lots. with that in mind the P&Z commission proposed amendments that not only addressed the radius in which an administrative determination could be made but included extending the time a Nonconforming Structure could be discontinued from six months to eighteen months.

A proposed change is also the ability to expand, or restoration of a nonconforming structure can be increase when the expansion doesn't exceed 50% of the square footage and is no longer tied to the value of the property. Lastly administrative relief to reoccupy a nonconforming structure was added. It allows a structure to be reoccupied as long as the Fire and Building Officials agree all life safety concerns are addressed.

This agenda item seeks to provide administrative relief to residents and businesses in that section of the code.

RECOMMENDATION:

Staff recommends amendment to amending Continuing Lawful Use of Property & Existence of Structures by adding an administrative relief component for residents.

ATTACHMENTS:

Ordinance No. 2023-11

Proposed code amendment documents.