

CITY OF BASTROP, TX
ORDINANCE NO. 2023-16

SUPERMAJORITY TO OVERRULE P&Z DENIAL

AN ORDINANCE 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.

WHEREAS, pursuant to Texas Local Government Code Section 211.007, to exercise the zoning powers authorized by statute the City Council of the City of Bastrop (City Council) must appoint a zoning commission; and

WHEREAS, pursuant to Section 12.01 of the Bastrop Home Rule Charter, the Planning and Zoning Commission was established; and

WHEREAS, pursuant to Texas Local Government Code Section 211.006(f), the City Council is authorized to provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or zoning district boundary be denied; and

WHEREAS, the City Council finds that it is in the best interest of the City to specify a range of preferred qualifications for a certain number of members of the Planning and Zoning Commission; and

WHEREAS, the City Council finds the attached ordinance provisions to be reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, TX:

Section 1. Findings of Fact: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2. Amendment: Chapter 14 of the Bastrop Code of Ordinances [Bastrop Building Block (B3) Code], Chapter 2 [Zoning], Article 2.4 [Administration], Section 2.4.007 [Zoning Concept Scheme] is hereby amended, and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

Section 3. Repealer: To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 5. 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 6. Effective Date: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

Section 7. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED on *First Reading* by the City Council of the City of Bastrop, on this, the 27th day of June 2023.

PASSED & APPROVED on *Second Reading* by the City Council of the City of Bastrop, on this, the ____ day of _____ 2023.

APPROVED:

by: _____
Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

City of Bastrop

Code of Ordinances

Chapter 14: Bastrop Building Block (B3) Code

Chapter 2: Zoning

Article 2.4: Administration

Section 2.4.007: Zoning Concept Scheme

The Code of Ordinances is amended by amending Section 2.4.007 as follows:

Section 2.4.007 Zoning Concept Scheme

(i) Three-Fourths Vote:

- (3) When the Planning & Zoning Commission makes a unanimous recommendation~~(s)~~ that a proposed Place Type Zoning change be denied, the request (in its original form) shall require a three-fourths majority vote from City Council for it to be approved.