



Staff Report

MEETING DATE: March 28, 2023

TITLE:

Consider and Act on amending Chapter 1, Subdivision, Lots of Record, SEC. 1.3.006 LOTS OF RECORD of the City of Bastrop B3 Development Code by adding a section for existing lots of record who can receive administrative approval outside of the normal platting procedure,

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

BACKGROUND/HISTORY:

Approval of the Bastrop Building Code (B3) created hundreds of non-conforming lots of record throughout the City of Bastrop addressed in (B3) Chapter 1, Subdivisions, Section 1.3.006, Lots of Record. An unintended consequence of the non-conforming use is its disparate impact on property owners who are unable to meet the new requirements in the B3 code. Specifically, lots who were never officially platted but rather subdivided by deed or metes and bounds descriptions.

Many of those lots exist in Bastrop and are already serviced by water, wastewater and other utilities. After the passage of the code, the property owners who own those lots are unable to expand existing homes or even build a home where a vacant lot that has access to streets and all other utilities have existed for years prior.

The Local Government Code, Chapter 212, provides for the City to (1) allow administrative approval and (2) create a classification that allows these lots to be exempt from a costly platting requirement. It is important to remember, the intent of platting is for orderly subdivision and land development. If these lots are already adjacent to infrastructure, it is the City Manager's professional opinion that the intent of Chapter 212 is being met.

The proposed code amendment would allow the existing property owners who have non-conforming lots of record to be allowed to develop their property through an administrative review.

RECOMMENDATION:

Staff recommends amendment to Chapter 1, Nonconforming Lots of Record.

1. Proposed code amendment documents.

Attachment

(c) A Lot of Record will be recognized if the property:

- (1) Was created by a Subdivision procedure; or
- (2) Is currently in the same size, shape, and configuration as it was prior to April 20, 1981, as established by a comparison of property descriptions found in deeds or property transfer documents.
- (3) Is greater than 5 acres with access to a public road and municipal utilities.

(d) Lot of Record Verification:

(1) A Lot of Record Determination is a document provided by the City acknowledging whether a particular tract of land was created lawfully. A parcel boundary used for property taxation or conveyed by deed to transfer ownership or title is not necessarily indicative of a lawfully created division of land. A Lot of Record Verification does not make claims as to ownership, title, or boundary locations.

(2) A request for Lot of Record Verification may be submitted to the Director of the Planning and Development.

(3) The Lot of Record Verification Request Form can be found in the Development Manual.

(e) Existing Lot of Record

(1) Existing lots of record may continue in the same configuration without the requirement to Plat until:

A. Any infrastructure extensions or upgrades are required to serve the Lot. A. Any infrastructure extensions or upgrades are required to serve the Lot. *A request for a meter of any utility does not constitute an infrastructure upgrade or extension. An upgrade to a infrastructure is better defined by increasing the size of a water or wastewater main line or an extension of water and wastewater main lines to the entire property line*

B. A change of use to a more intense use or a use from Residential to any other use.