

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RURAL RESIDENTIAL TO INDUSTRY FOR BASTROP COLORADO BEND, LLP FOR 312.591 +/- ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY ABSTRACT 2, TO THE WEST OF LOVERS LANE, LOCATED WITHIN THE CITY OF BASTROP EXTRATERRITORIAL JURISDICTION, AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Bastrop, Texas ("City") is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS,** the City Charter of the City of Bastrop, Texas, states that the Comprehensive Plan will contain recommendations for the growth, development, and beautification of the City and its extraterritorial jurisdiction; and

**WHEREAS,** Chapter 213 of Texas Local Government Code states that a governing body of a municipality may adopt a comprehensive plan for the long-range development of the city, which may include planning for land use, transportation, and public facilities; and

**WHEREAS,** the City Council of the City of Bastrop adopted the 2036 Comprehensive Plan by Resolution No. R2016-32 November 22, 2016; and

**WHEREAS,** the City Council of the City of Bastrop re-adopted the 2036 Comprehensive Plan by Ordinance 2019-55 on November 12, 2022; and

**WHEREAS,** Chapter 213 of Local Government Code, Comprehensive Plans, states that a Comprehensive Plan shall be adopted by Ordinance; and

**WHEREAS,** the citizens of the City of Bastrop were involved in the development of the Comprehensive Plan through participation committee and public meetings; and

**WHEREAS,** Chapter 213 of the Texas Local Government Code states that the adoption of or amendment to a Comprehensive Plan requires a hearing at which the public is given the opportunity to give testimony and present written evidence and as required by the City Charter, a public hearing was held for the Comprehensive Plan when it was adopted by Resolution No. R2016-32; and

**WHEREAS,** The Comprehensive Plan shall serve as a guide for all future City Council actions concerning land use, development regulations, and expenditures for capital improvements; and

**WHEREAS,** Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** the Planning & Zoning Commission reviewed the proposed amendment to the Master Thoroughfare Plan and Street Grid Map on January 27, 2022 and did not meet the Bastrop Building Block (B<sup>3</sup>) Code requirement of 5 affirmative votes to make a recommendation to City Council (voted 3-2 to recommend approval); and

**WHEREAS,** the City Council held a public hearing on February 22, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:**

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

**Section 2:** The City Council hereby adopts the amendment, as attached in Exhibit A.

**Section 3:** In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**Section 4:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 5:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**Section 6:** This Ordinance shall be effective immediately upon passage and publication.

**Section 7:** 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.

**READ & ACKNOWLEDGED** on First Reading on the 28<sup>th</sup> day of June 2022.

**READ & APPROVED** on the Second Reading on the 12<sup>th</sup> day of July 2022.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney