

**ORDINANCE No. 2014-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 14, SECTION 13.2.3 PERMITTED USES TO REFLECT THAT AGRICULTURAL/OPEN SPACE ALLOW ORCHARDS AND CROPS AND RETAIL OPERATIONS OF 500 SQUARE FEET OR LESS, RELATING TO THE REGULATION OF AGRICULTURAL/OPEN SPACE PERMITTED USES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the character of the community; and

**WHEREAS**, a request has been received to allow orchards and crops and retail operations of 500 square feet or less within the AOS, Agricultural/Open Space where currently it is not allowed; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, a Public Hearing notice was published in the newspaper notifying the public of the scheduled public hearing dates for the Planning and Zoning Commission and City Council to hear and discuss the proposed amendment; and

**WHEREAS**, after notice and public hearing at their regular meeting August 28, 2014 the Planning and Zoning Commission recommended an amendment to Section 13.2.3 Permitted Uses, to allow orchards and crops and retail operations of 500 square feet or less within the AOS, Agricultural/Open Space; and

**WHEREAS**, after consideration of public input received at the public hearing, the information provided by the City of Bastrop Planning and Development Department, and all other information presented, the City Council finds that it is in the public interest to approve the amendment to Section 13.2.3 Permitted Uses.

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

Part 1: That Section 13.2.3C of the Zoning Ordinance, Chapter 14 of the Bastrop City Code of Ordinances is hereby amended to read as follows.

**SECTION 13 A - AGRICULTURAL/OPEN SPACE DISTRICT**

**13.1 GENERAL PURPOSE AND DESCRIPTION:**

The AOS, Agricultural and Open Space, District is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single family uses on large lots are also appropriate for this district. This district also contains open space, which is generally under the control of the public and usually used for parks and recreational areas. Open Space areas are designated on the Zoning Map with a light shade of green.

### 13.2 PERMITTED USES:

1. Those uses specified in Section 36 (Use Charts)
2. Single-family detached dwellings
3. Farms, barns, nurseries, greenhouses, crops, orchards or gardens on parcels three (3) acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises ~~except as provided under home occupation (Appendix A-3, Definitions) which the retail area exceeds 500 square feet.~~ 500 square feet. Barns or other similar structures located on less than three (3) acres shall not exceed one thousand (1000) ~~five hundred (500)~~ square feet in floor area.
4. Municipally-owned facilities and uses
5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
  - a. The term accessory use shall include customary home occupations as herein defined.
  - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral pad [part] of the main building. See Section 40 for additional accessory use requirements.
  - c. A detached private garage used in conjunction with the main building.
  - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 43.5.
  - e. Detached garages and living quarters above a detached garage, or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage shall be permitted by CUP and are required to be on a lot three (3) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.

- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
6. Swimming Pool (private)
7. Utilities (public)
8. Such uses as may be permitted under the provisions of Conditional Use Permits, Section 33.

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

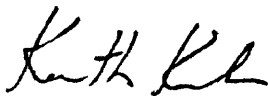
Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 9<sup>th</sup> day of September, 2014.

PASSED and ADOPTED on Second Reading on the 23<sup>rd</sup> day of September, 2014.

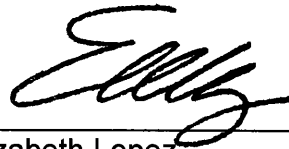
APPROVED:



---

Ken Kesselus  
Mayor

ATTEST:



---

Elizabeth Lopez  
City Secretary