

ORDINANCE 2017-08

CONCERNING BASTROP ZONING BOARD OF ADJUSTMENT

AMENDING THE CREATION OF THE BASTROP ZONING BOARD OF ADJUSTMENT BY DELETING SECTION F TO ELIMINATE 1-YEAR LIMITATION ON TIME PERIOD TO UTILIZE A GRANTED VARIANCE, DELETE SECTION 9.9E FIRST SENTENCE TO DELETE 4-WEEK AUTOMATIC APPROVAL PROVISION.

WHEREAS, no provision exists in the State of Texas enabling statute to authorize time limits on variances approved by the Zoning Board of Adjustment; and

WHEREAS, no provision exists in state law to allow automatic approval of variances not acted on by the Zoning Board of Adjustment within 4 weeks of being placed on agenda;

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

1. Paragraph F of Section 9.8 Procedure of Section 9 Zoning Board of Adjustment of the City Code which states as follows be deleted;

“F) Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

2. The first sentence of paragraph 9.9E which reads as follows be deleted;


E) The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved, is hereby deleted so that paragraph E will henceforth read as follows:

E) The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

Passed and Approved on First Reading on this 28th day of February, 2017

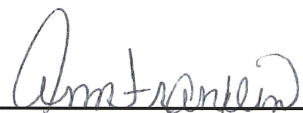
Passed and Adopted on Second Reading on this 14th day of March, 2017

APPROVED:



KENNETH KESSELUS, MAYOR

ATTEST:



ANN FRANKLIN, CITY SECRETARY