

**ORDINANCE NO. 2019-75**

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP BUILDING BLOCK CODE (B3) AS ADOPTED BY ORDINANCE NO. 2019-51, CHAPTER 2, TITLED "ZONING PROCEDURES," ARTICLE 2.4, TITLED "ADMINISTRATION," SECTIONS 2.4.002(b) AND 2.4.003(b); ALLOWING ZONING BOARD OF ADJUSTMENT MEMBERS TO BE ALTERNATES FOR THE PLANNING AND ZONING COMMISSION, ATTACHED AS EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Bastrop, Texas (the "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 is authorized by Texas Local Government Code § 51.001 to adopt or amend any ordinance is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

**WHEREAS**, Article III, Section 3.01 of the Bastrop City Charter gives the City Council the authority to provide for boards and commissions, and to appoint the members of all such boards and commissions; and

**WHEREAS**, the City is authorized by Texas Local Government Code §211.007 to appoint a zoning commission; and

**WHEREAS**, the passage of H.B. 3167 requires Planning and Zoning Commission to meet regularly to comply with this new legislation; and

**WHEREAS**, the Planning and Zoning Commission has had to cancel meetings in the past due to lack of a quorum of their members; and

**WHEREAS**, the City Council has determined that allowing Zoning Board of Adjustment members to serve as alternates to the Planning and Zoning Commission will improve this issue.

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

**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. ENACTMENT**

Chapter 2, Article 2.4, Sections 2.4.002(b) and 2.4.003(b) of the Bastrop Building Block (B3) Code, as adopted into the City's Code of Ordinances by Ordinance No. 2019-51, of the City of Bastrop are amended to read as described and attached here to as Exhibit "A."

## **SECTION 3. REPEALER**

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

## **SECTION 4. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstances 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. ENFORCEMENT**

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. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

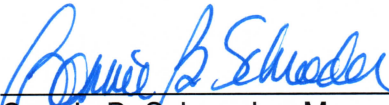
## **SECTION 7. PROPER NOTICE AND MEETING**

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.

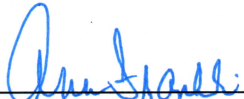
**READ & APPROVED** on First Reading on the 26<sup>th</sup> day of November 2019.

**READ & ADOPTED** on the Second Reading on the 10<sup>th</sup> day of December 2019.

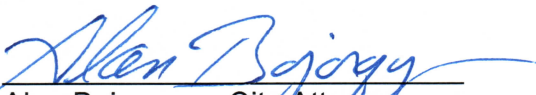
**APPROVED:**

by:   
Connie B. Schroeder, Mayor

**ATTEST:**

  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
Alan Bojorquez, City Attorney

**City of Bastrop, TX**

**BASTROP BUILDING BLOCK (B3), CODE OF ORDINANCES**

**Chapter 2 – ZONING PROCEDURES**

**ARTICLE 2.4- ADMINISTRATION**

**Sec. 2.4.002 – Planning & Zoning Commission**

(b) Created Membership, Officers and Alternates:

- (1) There is hereby created, in accordance with Subchapter 211.007 of the Texas Local Government Code and the City's Charter, a Planning & Zoning Commission that shall consist of 9 citizens who reside in the City Limits. Members shall be appointed by the Mayor and confirmed by City Council for a term of 3 years. Terms of 1/3 of the Planning & Zoning Commission shall expire each year upon September 30th, or until a successor is appointed. Vacancies and unexpired terms of members shall be filled by the appointment of the Mayor and confirmed by City Council. These appointments shall be for the remainder of the term.
- (2) Members may be removed from office at any time by a majority vote of the City Council for any reason. All members serve without compensation.
- (3) Attendance requirements for the Planning & Zoning Commission members are set forth in the Code of Ordinances, Section 1.02.002(b), et seq.
- (4) The City staff shall keep minutes of all meetings held by the Planning & Zoning Commission and full record of all recommendations to be made by the Planning & Zoning

Commission to the City Council. Minutes shall constitute a report and record of all Planning & Zoning Commission meetings, including hearings.

- (5) A Chair and Vice-chairman shall be elected by the Planning & Zoning Commission from its membership, each to hold office for 1 year or until replaced by a majority vote of the Planning & Zoning Commission.
- (6) ~~Alternates may be appointed by the Council when it's deemed necessary, and occurs in the same manner as the appointment of members.~~ Members of the Zoning Board of Adjustment (ZBA) serve as alternates to the Planning and Zoning Commission.
- (67) Additional alternates may be appointed by the Council when it's deemed necessary and occurs in the same manner as the appointment of members.

#### **Sec. 2.4.003 – Zoning Board of Adjustment (ZBA)**

(b) Membership; Terms of Office:

- (1) The ZBA shall consist of 5 regular members and 2 alternate members who shall be appointed by the Mayor and confirmed by the City Council, in accordance with state law.
- (2) Members of the ZBA shall regularly attend meetings and public hearings of the ZBA and shall serve without compensation. Attendance requirements for the ZBA members are set forth in the Bastrop Code of Ordinances, Section 1.02.002(b).
- (3) ~~Members may be removed by majority vote of the members of the City Council, for cause on a written charge after a public hearing. ZBA members may be appointed to succeed themselves. Members of the ZBA can serve as alternates to the Planning and Zoning Commission.~~

**(34) Members may be removed by majority vote of the members of the City Council, for cause on a written charge after a public hearing. ZBA members may be appointed to succeed themselves.**

**(45) Any vacancy of a regular member shall be filled by an alternate member only for the unexpired term of the member whose term becomes vacant.**