

**ORDINANCE NO. 2016-03**

**AN ORDINANCE OF THE CITY OF BASTROP AMENDING THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2, ZONING USE CHARTS AND A.3 DEFINITIONS REGULATING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURE(S); ADOPTING A CONDITIONAL USE PERMIT PROCESS WITHIN RESIDENTIAL ZONING CLASSIFICATIONS FOR RELOCATION AND REHABILITATION OF SUCH MOVED BUILDINGS; AMENDING CHAPTER 3, "BUILDING REGULATIONS" ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the maintenance and enforcement of certain minimum building and safety standards governing the relocation and rehabilitation of existing residential structures onto property that is in the corporate limits of the City is governed by the City of Bastrop's Zoning Ordinance and Building Regulations and is in the interest of the health, safety and welfare of the citizens of the City of Bastrop; and

**WHEREAS**, the Council finds that citizens of the City of Bastrop would be best served by amending Chapters 14 and 3 of the Bastrop Code of Ordinances to prohibit the movement of substandard existing single family structures into the City's corporate limits unless such structures are rehabilitated to meet all applicable safety and building regulations, under reasonable conditions and stipulations that are to be determined by the City's Planning and Zoning Commission and/or the City Council, on a case-by-case basis; and

**WHEREAS**, this Ordinance amends Chapter 14, the Zoning Ordinance, and Chapter 3, the City's Building Regulation Ordinance, to further regulate the movement and rehabilitation of "existing structures" into the City's residential zoning districts, and subjects these relocated structures to the requirements of a Conditional Use Permit ("CUP"); and

**WHEREAS**, the City Staff prepared recommendations for such Code amendments and presented them to the Construction Standards Board on April 21, 2015; and

**WHEREAS**, the City Construction Standards Board and the Planning and Zoning Commission held a joint public meeting on May 28, 2015, to discuss the proposed amendments to the Zoning Ordinance and Building Code noted herein; and

**WHEREAS**, subsequently, after concluding that a change to the City's regulations related to such relocated structures would be beneficial to the City and its citizens, the Construction Standards Board held a public meeting on October 1, 2015 and adopted the attached "Exhibit A" Resolution in support of the amendments to both Chapter 14, the Zoning Ordinance and Chapter 3, the City's Building Regulations; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on October 29, 2015 and unanimously recommended that the City Council approve amendments to the City's Zoning Ordinance and Building Regulations to further regulate the movement and rehabilitation of "existing structures" that are relocated into the City within residential zoning districts, and to subject such structures to the requirements of a CUP; and

**WHEREAS**, after careful evaluation of the recommendations of the Construction Standards Board and the Planning and Zoning Commission concerning these matters, and after hearing the input from the City’s staff and the public concerning same, the Council concurs with the recommendations made and desires to amend the City’s Code of Ordinances as noted herein , to put additional requirements and conditions on the moving and rehabilitation of existing structures in residential zoning districts within the City of Bastrop, for the protection of the health, safety and welfare of the Citizens of the City.

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

Part 1: Chapter 14 Exhibit “A” of the Code of Ordinances of the City of Bastrop, Section 36.2, shall be, and is hereby, amended so that Section 36.2 shall hereafter read as follows:

**SECTION 36.2 ZONING USE CHART – Primary Residential Uses**

Primary Residential Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Existing Residential Building(s)/ Structure(s) being “moved into/relocated” within the City	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>											<u>C</u>	<u>C</u>

Part 2: Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

**A-3 DEFINITIONS**

**# EXISTING BUILDING(s)/STRUCTURE(s)** – building(s)/structure(s) erected prior to the date of adoption of the currently applicable code and/or originally erected outside of the City’s corporate limits. If such structure(s) is to be moved/placed within the City’s corporate limits, then a CUP shall be required and must be obtained by the individual proposing to move the structure into the City corporate limits prior to moving same. The individual proposing to move and rehabilitate the structure into the City must additionally comply with all provisions of Chapter 3, Article 3.16, of the Code of Ordinances, governing “Moving of Structures.”

Part 3: Chapter 3, Building Regulations, Article 3.16, Moving of Structures, Demolition and Site Work, of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to hereafter read as follows:

## ARTICLE 3.16 MOVING OF STRUCTURES, DEMOLITION AND SITE WORK

Sec. 3.16.002 Standards for moving existing buildings and existing structures.

(b) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first submits to the City Planning Department:

- (1) A certified third-party inspection of the condition of the existing structure;
- (2) Photographs of the existing buildings(s)/structure proposed to be moved and rehabilitated;
- (3) A detailed explanation of the proposed upgrades and other actions necessary to bring the existing structure up to all City requirements;
- (4) A site plan specifying where the existing building will be locate/placed during/after rehabilitation, and demonstrating that the proposed placement of the existing structure meets all existing City siting requirements; and.
- (5) A detailed explanation and request for any variances from the City's Ordinances required for the movement, relocation and/or rehabilitation of an existing structure,

(c) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first applies for and the City approves and issues a Conditional Use Permit ("CUP") pursuant to the process set forth in this Chapter and Chapter 14, Section 33.

(d) No substandard or unsafe or hazardous existing structure will be allowed or permitted to be moved into the City's corporate limits unless the City has first issued a CUP containing a specific finding that the structure can be adequately brought to a safe, nonhazardous condition meeting City standards.

Sec. 3.16.003-3.16.005

[no changes]

Sec. 3.16.006 Moved buildings to comply with minimum building standards

(c) Time for compliance. All existing structures that are proposed to be moved or relocated into or within the City's corporate limits must be brought into compliance with City minimum building standards pursuant to a construction schedule that will be specified in the CUP, as set forth in subsection (d) below.

(d) Conditional Use Permit (CUP) For Existing Structures. No CUP for an existing structure shall be issued unless the applicant submits to the Planning Department a detailed construction

schedule for the entire moving and/or rehabilitation process of the structure. Following the issuance of a CUP containing the approved construction schedule for the moving and renovation/rehabilitation process, the applicant shall submit a project status report to the Planning Department on a monthly basis. Failure to complete all required repairs or renovations will cause the building to be subject to: (1) Article 3.12 of the Code of Ordinances regarding abatement of substandard structures; and (2) upon determination of the Building Official that construction is not consistent with the schedule or other requirements set forth in the CUP, the City may require that the moved existing structure be removed from the City's corporate limits and/or require demolition of the building and clearing of the lot. No CUP shall be issued for an existing structure that authorizes a term of more than one (1) year for completion of the rehabilitation and repair of the structure. No CUP shall be issued for an existing structure that authorizes a term of more than one (1) year for the applicant to obtain a certificate of occupancy for the structure.

(e) Enforcement. Absent a showing of good cause and receipt of a written exception issued by the City Planning Department, no rehabilitation or repair of an existing structure moved into the City's corporate limits subject to a CUP shall be completed later than one year following the issuance of a CUP for the structure. Any delay not caused directly by a force majeure event, as determined by the Building Official, shall be reviewed by the Director of Planning to determine whether the structure building has been abandoned or whether the developer/applicant is in breach of the terms of the CUP and, therefore, subject to enforcement proceedings by the City. Any individual or entity that obtains a permit and CUP for the rehabilitation of an existing building in the City, and subsequently fails to perform in accord with the applicable City Codes and/or the CUP conditions for the project to such an extent that the City finds it necessary to take any form of action to enforce same, shall be barred from seeking additional permits for moving and rehabilitating existing buildings in the City for a minimum period of five (5) years from the date the City commences efforts to enforce the City's Code and CUP on the prior project.

**Part 4:** 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 5:** 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 6:** 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 26th day of January, 2016.

PASSED and ADOPTED on Second Reading on the 9th day of February, 2016.

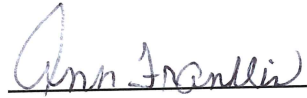
**APPROVED:**



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Ken Kesselus  
Mayor

**ATTEST:**



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Ann Franklin  
City Secretary