

ORDINANCE 2019-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO ALLOW A 400 SQUARE FOOT ACCESSORY STRUCTURE ON TAHITIAN VILLAGE, UNIT 1, BLOCK 19, LOT 598, 599, AND 600, LOCATED AT 149 MAHALO COURT, AN AREA ZONED SF-9, SINGLE FAMILY 9, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBITS A AND B; SETTING OUT CONDITIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Mike Kilburn (the "Owner") submitted a request for a Conditional Use Permit (CUP) for up to a 400 square foot accessory structure on Tahitian Village, Unit 1, Block 19, Lot 598, 599, and 600, located at 149 Mahalo Court, within the city limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

WHEREAS, a property site plan is attached hereto as Exhibit "A" (the "Property"); and

WHEREAS, the Property is currently zoned as Single Family 9 (SF-9); and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the CUP was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on March 28, 2019; and

WHEREAS, the owner's proposed development, with the stated conditions, meets the intent of the Zoning Ordinance, Section 33.2, Conditional Use Permit criteria; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission recommended approval of the proposed request, subject to certain conditions set forth herein; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to approve the CUP.

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

Section 1: A Conditional Use Permit for a 400 square foot accessory structure, situated on Tahitian Village, Unit 1, Block 19, Lot 598, 599 & 600, located at 149 Mahalo Court, within the city limits of Bastrop, Texas as more particularly shown on Exhibits "A" and "B", shall be and is hereby approved with the following conditions:

- a. Construction and permits submitted shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to construction on the subject property.
- c. A Building Permit shall be applied for and secured within one (1) year from the date the conditional use permit is granted (second reading of the ordinance).

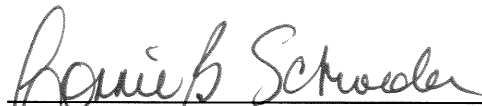
Section 2: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and APPROVED on First Reading on the 9th day of April 2019.

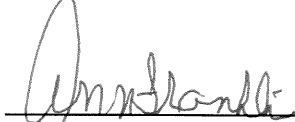
READ and ADOPTED on the Second Reading on the 23th day of April 2019.

APPROVED:




Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney